

TITLE 14

ZONING

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- 14.04 Mayflower Zoning Regulations
- 14.08 Annexing, Vacating and Rezoning Property

CHAPTER 14.04

ZONING ORDINANCE

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14.04.01 Purpose, authority, jurisdiction

Purpose

The purpose of the regulations set forth herein is to promote the health, safety, and the general welfare of the citizens of the City of Mayflower, to provide efficient and economical means for civic development· to secure safety from fire and panic; control overcrowding of land; provide adequate light and ventilation; avoid concentration of population, and facilitate ease of provision of transportation, parks utilities, schools and other public requirements.

Authority

These regulations are prepared in pursuance of the authority granted by the Legislature of the State of Arkansas in Act 186 of 1957, as amended.

Effective Date

These regulations shall become effective upon adoption by the city of Mayflower City Council.

Building Permit Required

- A. After the effective date of these regulations, a city of Mayflower building permit shall be required before work may be commenced on the construction or the excavation for the construction of any building or structure, or the moving or alteration of any building within the city limits of Mayflower.
- B. A permit to build will be issued only after the application has been approved by the Mayor (or his designate) as meeting the requirements of these regulations.
- C. All applications shall be accompanied by a plot plan, drawn to scale, showing dimensions of the lot or parcel, external building dimensions, its location and orientation on the lot or parcel, the use of the building and grounds, vehicular and pedestrian access, any easements or right-of-ways, and any other information necessary to ensure proper compliance with these Regulations or other Regulations as may be applicable.
- D. After the effective date of this regulation, a city of Mayflower excavation permit shall be required before work may be commenced on any of the following:
 - 1. 5 cubic yards or more of any excavation or hauling in of fill dirt or riprap.
 - 2. Removal of any amount of underbrush requiring grubbing of soil.
 - 3. 5 of more existing trees over 12" in caliper.
 - 4. Any stream, drainage ditch, or roadway.

If commercial site plan is required, all storm water and drainage requirements of the subdivision of Land and Zoning requirement shall be met.

If the land to be disturbed is in a floodplain, a city of Mayflower floodplain permit shall be submitted and approved prior to any excavation permit issuance.

If 5 acres or more of land is to be disturbed, an Arkansas Department of Environmental Quality (ADEQ) Notice intent (NOI) must be provided to the city of Mayflower prior to an excavation permit being issued.

No excavation shall commence before the permit is issued and Erosion Control Best Management Practices (BMPs) are implemented on site.

The city reserves the right to delay issuance of the permit if engineering review and approval is necessary.

Permit Rate Schedule

<u>Size of land to be disturbed</u>	<u>Fee</u>	<u>Requirements</u>
Less than 1 acre	No fee	Permit
1 acre	\$100.00	Permit, SWPPP (Stormwater Pollution Prevention Plan)
Greater than 1 acre	\$100.00 plus \$50,00 acre of site with a maximum of \$500.00	Permit, SWPPP and NOi

Penalty Any violation of the provisions of subsection (D) shall be subject to a fine of no less than Twenty-Five Dollars (\$25.00) per day and up to One Hundred Dollars (\$100.00) per day. (Ord. No. 2008-9, Sec. 1.)

Jurisdiction

The jurisdiction of these regulations shall include all land and structures within (a) the corporate limits of the city of Mayflower, Arkansas and as the corporate limits may subsequently change; and (b) the extraterritorial area within the definition of the navigable stream zoning area as defined by Arkansas statutes.

Filing Fees

Filing fees for all sections of these Regulations shall be those established from time to time by the City Council of Mayflower. The filing fee shall cover the initial review and follow-up review. Any additional reviews will be charged to the applicant and must be paid before the final plat can be approved.

14.04.02 Zoning district map and area

Zoning Districts Map

The zoning districts are hereby established as shown on the map entitled: "Mayflower, Arkansas

Zoning Districts", dated November 15th, 1995, which is part of these regulations and which is on file in the office of the City Recorder. Said map and all notations, references, and date, and other information shown thereon shall be and are hereby adopted and made part of these regulations. The map may be revised from time to time. Copies of ordinances revising the map and regulation will be on file in the office of the City Recorder, City Hall, Mayflower, Arkansas.

Zoning District Boundaries

Unless otherwise indicated on the Zoning Districts Map, the zoning district boundaries are city limits as depicted on the Land Use Plan, Mayflower, Arkansas. In addition, zoning district boundaries may be lot lines, the center lines of streets or easements or specified distances therefrom, railroad rights-of-way lines, the shore line or center lines of streams and lakes, or property lines as they existed at the time of the enactment of these regulations.

Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of the zoning districts or where the street or property lines existing on the ground are at variance with those on the Zoning Districts Map, the Mayor of Mayflower (or his designate) shall determine the location of the boundaries in question. Relief from the decision of the Mayor of Mayflower (or his designate) may be sought from the Mayflower City Council by proper application procedures.

Zoning of Annexed Areas and Navigable Stream Zoning

All areas which may hereafter be included within the zoning jurisdiction of the city of Mayflower by annexation or by the utilization of the Arkansas State Statutes, with respect to territory lying along a navigable stream, shall be governed by and subject to the land use categories as indicated on the territorial Land Use Plan of the city of Mayflower. The land use categories indicated on the Land Use Plan shall be used to determine the zoning district until the City Council shall have adopted zoning districts for the annexed or navigable stream area.

14.04.03 Description of open space district

Open Space District "OS"

A. Purpose and Intent

The "OS" District has the purpose to protect the public health, safety, and welfare by protecting set aside open space whether for institutional reasons or aesthetic reasons or for the protection of land area where natural topography creates practical difficulty for urban development.

It is the intent of this district to enhance the natural conditions of open space areas and to reduce the disproportionate costs of providing public facilities.

- B. The "OS" District is proposed for application to public and private recreational areas including playground, pedestrian walkways, buffer strips, parks, golf courses, and country clubs, where these uses comprise a significant component of the city's open space network.

Preservation of Open Space

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

- A. Dedication of open space to the municipality or an appropriate public agency, if there is a public agency willing to accept the dedication.
- B. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

Development Criteria

Unless otherwise specifically provided in this ordinance, the following development criteria shall apply to the "OS" District.

- A. Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.
- B. Where the "OS" District is established, all such areas shall remain in their natural state unless otherwise authorized by the city of Mayflower.
- C. A buffer of "OS" zoning shall be no less than twenty (20) feet wide.
- D. Enhancement, such as additional screening or planting, of the open space area, when proposed for use as a required buffer zone, may be required.

Conditional Uses

All uses of land and structures and the building or alteration of proposed structures in the "OS" District whether by private or public means, shall be construed to be conditional uses and shall follow the procedures for conditional uses found in Section 14.04.07 of this ordinance. Some uses which are characteristic of an open space district and which may be considered for conditional use as listed:

- A. Municipal, governmental, private or philanthropic recreational use, including parks, playgrounds, tennis courts, golf courses, skating rinks, and hiking or bridle paths.

- A. Country club, golf course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for mutual recreation for the members and not as a business for profit.
- B. Wildlife refuge or bird sanctuary.
- C. Greenhouses and structures associated with an arboretum, not operated for profit.
- D. Recreation, refreshment and service buildings in parks, playgrounds and golf courses.
- F. Parking facilities.
- G. Public utility buildings and facilities, when necessary for serving the surrounding area, provided no public business office and no repair or storage facility or sewage treatment plant are built therein.

Area Regulations

No yard or height dimensions are set in this section for uses and structures in the "OS" District. Determination of area regulations and flood plain ordinance compliance shall be determined and recommended by the Planning Commission in the conditional use review process on a case-by-case basis.

Floodway District "FW"

A. Purpose and Intent

The "FW" Floodway District designates areas where special flood hazards exist. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property. The purpose of the "FW" district is to protect the lives and property of persons living in areas subject to the effects of the floodway. The following provision shall apply:

- 1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or land surveyor is provided demonstrating that encroachment will not result in any increase in flood levels during occurrence of the base flood discharge.
- 2. Floodway areas may come under State and Federal Regulations. If any subject property is in the jurisdiction of any of these agencies, the city of Mayflower will require specific approval from these agencies.

B. Conditional Uses

1. Landing strips for aircraft
2. Marinas and boat landings
3. Public or private parks

The conditional uses, and others in character with those listed, may all be considered but all are subject to the limitations cited in the preceding paragraph.

14.04.04 Residential zoning districts

Single-Family Detached Residential Districts

The following single-family detached residential districts are intended for the building of a single, one-family dwelling on a separate and distinct platted lot. The districts are applicable to those existing developed areas of the city which are developed as single-family detached dwellings on separate platted lots and for those undeveloped areas of the city of Mayflower which are appropriate for future development for single-family detached dwelling purposes. Areas appropriate for development as single-family detached residential uses are indicated as low-density residential and/or undeveloped on the city of Mayflower Land Use Plan.

R-1 SB Residential District

The R-1SB Residential District is intended for the building of stick-built conventional homes on separate and distinct lots. The R-1SB District areas indicated on the attached zoning map are existing areas within the city of Mayflower which were developed primarily as areas for stick-built conventional homes. Areas appropriate for future R-1SB designation are indicated as low-density residential or undeveloped areas on the city of Mayflower Land Use Plan.

Use Regulation

A. Purpose

Development of stick-built conventional homes densities not to exceed three (3) dwelling units per gross acre.

B. Use Permitted by Right

One stick-built conventional home of not less than 1,000 square feet of heated/cooled living space, as the primary or principal use on a lot of record. In addition, the following system of dwelling size reduction will be required to buffer abutting subdivisions with differing minimum square footage of dwelling unit

requirements. In order to simplify calculations, subdivisions above 2,000 square feet will be classified at 2,000 square feet.

A development plan must be submitted which indicates the minimum required heated/cooled living space of the residential subdivision and all abutting subdivisions, along with any proposed undisturbed buffer areas. This plan is submitted to the Planning Commission for review and approval during the preliminary platting process, and may be included as part of the preliminary plat.

A reduction in the minimum square footage allowed in a subdivision may be achieved by any combination of the following methods, up to a maximum 23%. The following reductions are calculated from the abutting subdivision with the highest required minimum square footage of living area.

1. A reduction in the minimum square footage by 8% is allowed by right.
2. A reduction in the minimum square footage by an additional 5% is allowed with the provision of each 50-foot buffer of undisturbed open space.
3. A reduction in the minimum square footage by 5% is also allowed within a subdivision for each subsequent tier of lots or minimum of 150 feet, whichever is greater.

C. Accessory uses

The following accessory structures and uses of land shall be permitted provided such structures and uses of land are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building. All accessory uses, except Item No. 3 and Item No. 4, require a city of Mayflower Building Permit. Item No. 4 requires a city of Mayflower Accessory Use Permit as per Section 14.04.07 of this ordinance.

1. Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses.
2. Private greenhouses for non-commercial horticultural purposes.
3. Flower and vegetable garden.
4. Home business/occupations in compliance with Section 14.04.09 of this amended ordinance.
5. Private in-ground swimming pools, tennis courts and similar permanent recreational facilities.

Accessory buildings, except private auto garages which are located behind the front building line, may not be located in front yards. All others shall not occupy over twenty-five percent (25%) of the rear yard.

D. Temporary Uses

The following temporary buildings and items of ownership, where such buildings or items conform to the height and yard requirements of this zone, are permitted.

1. Recreational vehicles, camping trailers, boats and trailers and the like.
2. Model home sales offices, when the sales office is located in the model home, subject to the approval of the Planning Commission and subject to the following provisions:
 - a. The model home sales office shall be located in a subdivision to which the sale of lots and homes are directed.
 - b. The model home sales office shall not be permitted beyond 18 months or 80 percent of lots being sold from the granting by the Planning Commission. Extension of the 18 months or 80 percent of lots sold may be granted by the Planning Commission.
 - c. Garage, carport, or yard sales, not to exceed four within a calendar year and three days for each event, may be permitted on any platted lot which supports single-family dwelling as the principal use. A permit obtained from the Office of the Mayor shall be required for each event.
3. Yard sales, garage sales, carport sales and fund raisers
Definition Yard sale shall mean any event, other than a sales activity operated in conjunction with a regularly licensed and permitted commercial or retail operation, which is advertised by any means whatsoever as a place or location to which members of the public, at any time may purchase identifiable or tangible personal property. Also included in this definition are garage sales, patio sales, carport sales, rummage sales, estate sales, fund raisers, or any other similar events.
 - a. Every person, group of persons, or organization desiring to exhibit for sale purposes identifiable or tangible personal property at a yard sale shall first obtain a yard sale permit. The year sale permit must be available upon request at the yard sale location.

- b. Yard sale permits shall be obtained at the Mayflower City Hall during regular hours Monday through Friday (closed on holidays). The yard sale permit fee shall be \$5.00 per household. The permit shall be issued for a three (3) day period. The time between permits is four (4) days. Only four (4) permits per household address per year are allowed. Any person acquiring more than four (4) permits will be considered a business.
- c. If a group has a yard sale collectively, then each household participating shall be required to get a permit.
- d. The yard sale permit shall include: Name, location of yard sale, home or cell phone, date and any other pertinent information requested by the city. The permit shall be titled "Residential use Only."
- e. Fund raisers (including car washes) shall include: Name, location of fund raiser, home or cell phone number, date, reason for fund raiser, what good or service is being offered, and any other pertinent information requested by the city. Fund raisers by an entity on its own property is permitted, even in a commercial zone.
- f. Yard sale signs shall be no larger than 24 inches by 18 inches and shall be on stakes or sign holders. No signing is allowed on public property or right-of-way unless by the City Council. The back of the yard sale sign must contain the name, phone number, and date of event. Yard sale signs shall be removed by the permit holder or person or persons designated by the holder by 7:00 p.m. the last day of the permitted sale. Yard sale signs advertising a yard sale outside the Mayflower city limits are not permitted to be placed in the city limits of Mayflower.
- g. Estate sales given by an authorized estate sale professional may use their professional signs. Estate sale professionals may purchase more than one permit at a time with a limit of four (4) for one address. Other estate sales will be considered yard sales.

- h. All merchandise offered for sale shall be arranged so that fire, police, health, and other officials may have access for inspection at all times during the time of operation of the sale. Enforcement of the provisions of this section shall be by the City Police Department and Code Enforcement Officers.
- 1. Penalty Any violation of the provisions of subsection (3) is declared to be a misdemeanor and a fine of not less than Twenty-Five Dollars (\$25.00) and no more than One Hundred Dollars (\$100.00) is affixed for failure to comply with any of these requirements. (Ord. No. 2007-9, Sec. 1.)

E. Conditional Uses

The following uses may be permitted in the R-ISB District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 14.04.07 (Conditional Use Review) for required submissions, etc. It is the intent of this section to encourage through conditional uses the development of varied density arrangements, to permit affordable housing, to nurture development in appropriate locations and to distribute varied density arrangements throughout the city and within various subdivisions.

- 1. Churches and other religious institutions and their accessory buildings and uses.
- 2. Nursery school, day care center, elementary and secondary schools.
- 3. Public utility buildings and facilities when necessary for serving the

surrounding area, provided that no public business office and no repair or storage facility, or sewer treatment plant are maintained therein.

4. Smaller lot stick-built conventional homes with a minimum heated/cooled living space of 800 sq. ft.

Height Regulation

No building in the R-1SB district hereafter erected or structurally altered shall exceed a height of 35 feet or be more than 2.5 stories.

Off-Street parking

See Section 114.04.10 of this regulation.

Yard and Area Regufrements

Yards, front, rear and side, are defined in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plans stepped back in 90-degree angular turns.

The projection of uncovered, noncombustible porches or patios into yard space is permissible.

A. Stick-built Conventional Homes

1. Density

The maximum density is three (3) dwelling units per gross acre.

2. Lot Area

The minimum lot area is 7,500 square feet and the minimum lot width is sixty (60) feet at the front building line, but not to exceed the average density rate of three (3) dwelling units per gross acre.

3. Front Yard

There shall be a front yard set-back having a depth of not less than 25 feet from the front property line, except as may be modified by the Hillside Development provision of the Subdivision Regulation or the existing building line.

4. Side Yard

There shall be a minimum required side yard setback on each side of the principal structure of seven feet and six inches. Encroachment of structural appurtenances, i.e., eaves, balconies, bay windows, shall not exceed two (2) feet. Corner lots shall have a side yard on the exterior, or street side of not less than 25 feet.

5. Rear-Yard

There shall be a rear yard setback having a depth of not less than 15 feet, except accessory buildings shall be no closer than 10 feet from the rear property line and no closer to a side lot line than the principal building line.

6. Lot Coverage

The main building (principal use) and all accessory buildings on a lot shall not occupy more than 33 1/3 percent of the total lot area.

R-IMH Residential District

The R-IMH Residential District provides for areas which may contain manufactured homes on separate and distinct lots either in new subdivisions designed and/or intended for the sale of lots for siting manufactured homes or on individual lots/parcels without or within existing subdivisions. These homes are those that are manufactured or constructed under the authority of 42 United States Code Section 5401. These areas are subject to the same land development and site improvement standards as typical residential subdivisions.

Use Regulation

A. Site Plan Review

Pursuant to the procedure hereinafter set forth, when a proposal is made to site manufactured homes in the R-IMH District, no "Site Plan Review" will be required provided that the Code Enforcement Officer determines that the manufactured home proposed to be sited meets all the requirements of the Zoning Regulations and any other relevant codes of the city of Mayflower. When a request to re-zone property to the R-IMH District is proposed, a "Site Plan Review" shall be required. See Section 14.04.07, page 188 and following, of the Mayflower Municipal Code for the procedures and requirements of a Site Plan Review. (Ord. No. 2000-05, Sec. 1.)

B. Permitted Uses

One (1) manufactured home or stick-built conventional home dwelling unit per lot or parcel is allowed.

C. Accessory Uses

The accessory structures and uses of land shall be those permitted in the R-1SB Residential District.

D. Temporary Uses

Temporary uses shall be those allowed in the R-1SB Residential District.

E. Conditional Uses

The following uses may be permitted in the R-IMH District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 14.04.07 (Conditional Use Review) for required submissions.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, elementary and secondary schools.
3. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office and no repair or storage facility are maintained therein.

Bulk and Area Regulations

- A. The minimum site area for the development of a subdivision for RIMH development shall be five acres.
- B. The minimum lot area shall be five thousand (5,000) square feet. The minimum width shall be fifty (50) feet at the front of the building line.

Design and Siding Criteria

- A. The home must be attached to a foundation in compliance with the Building Code currently in effect in the city of Mayflower.
- B. The unit must be at least fourteen (14) feet wide.
- C. The home must be covered with an exterior material customarily used on dwellings in the city of Mayflower.
- D. All homes must be underpinned on set-up within thirty (30) days, using masonry or other manufactured housing industry approved materials.
- E. No building in the R-IMH District hereafter erected or structurally altered shall exceed single story height.

Yard and Area Regulations

A. Density

Six (6) dwelling units per gross acre maximum.

B. Lot Area

Minimum lot area, five thousand (5,000) square feet with a lot width of not less than fifty (50) feet at the front building line.

C. Front Yard

There shall be a front yard setback having a depth of not less than fifteen (15) feet from the front property line.

D. Side Yard

There shall be a minimum required side yard setback on each side of the principal structure of not less than seven feet and six inches. Encroachment of structural appurtenance, i.e., eaves, balconies, bay window, shall not exceed one (1) foot. Corner lots shall have a side yard on the exterior, or street side of not less than 15 feet.

E. Rear Yard

There shall be a rear yard setback having a depth of not less than fifteen (15) feet.

F. Lot Coverage

The principal building and all accessory buildings on a lot shall not occupy more than forty percent (40%) of the total lot area.

G. Parking

See Section 14.04.10 of this regulation (Single-Family Dwelling).

R-2 Multi-Family Residential District

The R-2 District provides areas for medium population density. This district is intended for those areas of Mayflower which: (1) have the appropriate public infrastructure in place including, water, sewer and roads, to handle the increased density levels; (2) contain multi-family dwellings, including duplex, triplex, fourplex, townhouses, garden apartments and the like; and (3) undeveloped land areas where multi-family development appears desirable. Areas such as these are generally designated as medium-density residential areas on the city of Mayflower Land Use Plan. In the R-2 District building designs and siting should make maximum utilization

of the public open space system and also the private open space within the parcel of land itself while still providing privacy for the occupants.

Use Regulation

A. Purpose

Development of attached dwelling units (non-group quarters) at densities of ten (10) or less dwelling units per gross acre, except garden apartments which may be developed at densities of sixteen (16) or less dwelling units per gross acre.

B. Uses Permitted by Right

1. Duplex, Triplex, and Fourplex dwellings
2. Townhouse, Garden Apartments
3. Maintenance facility, rental office and storage space for management and residents

C. Accessory Uses

Accessory and temporary uses permitted in the R-2 District shall be the same as those permitted in the R-1SB District.

D. Conditional Uses

The following uses may be permitted in the R-2 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. (See Section 14.04.07 (Conditional Use Review) for required submissions.

1. Churches and other religious institutions and their accessory buildings and uses
2. Nursery school, day care center, elementary school
3. Public utility buildings and facilities when necessary for service
4. Single-family detached housing (setback and area requirements)

Height Regulation

Maximum: 3 stories not to exceed 40 feet.

Off-Street Parking

See Section 14.04.11 of this regulation.

Yard and Area Requirements

Yard space as defined in the definition's sections shall apply. General criteria established in the R-1SB District concerning measurement methodology, the projection of architectural features into yards, and roof overhangs shall apply in the R-2 District.

- A. Lot Area for Each Dwelling Unit
 - I. Duplex - 3,500 square feet
 - 2. Triplex - 3,000 square feet
 - 3. Fourplex - 3,000 square feet
 - 4. Townhouse - 2,400 square feet
 - 5. Garden apartments - 1,600 square feet
 - 6. Single-family same as in R-1SBdistrict

- B. Front Yard

There shall be a front yard minimum setback of not less than twenty-five (25) feet.

When the development consists of townhouse or garden apartments, the required twenty-five (25) foot front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, pedestrian walks to the front of buildings, and maintained in a neat and attractive condition. No parking of vehicles shall be allowed within this front yard setback.

- C. Side Yard

- 1. Duplex, triplex, and fourplex shall have a minimum side yard of seven feet and six inches for interior lots. Comer lots shall have a side yard on the exterior or street side of not less than twenty-five (25) feet.
- 2. Structures utilizing the townhouse or garden apartment design with dwelling units abutting one another *without* side yards between the individual dwelling units shall have exterior side yards of twenty-five (25) feet between multi-unit structures and, also, when the beginning or terminal end of a structure abuts a street.

3. For town-house apartments there shall be no more than six (6) dwelling units appended in one structure without an intervening side yard. Garden apartments may have eight (8) units appended before an intervening side yard is required.
4. The front yard setback distance of individual dwelling units within a multi dwelling building of six (6) or less units shall be diversified (staggered) to assure visible variety in building and yard space relationship. Repetitious monotony of consistent dwelling unit setback should be avoided.
5. Single-family and smaller lot single-family detached and zero lot-line, same as in R-1SB District.

D. Rear Yard

1. Duplex, triplex, fourplex: Twenty-five (25) feet, excluding accessory buildings which shall be a minimum of ten (10) feet from the rear property line and no closer to a side lot line than the principal building line.
2. Townhouse, garden apartments: minimum twenty-five (25) feet.
3. Single-family and smaller lot single-family detached and zero lot-line as in R-1SB District.

E. Building Coverages

Maximum building coverage for each type of housing permitted shall be thirty-five (35) percent.

R-3 Manufactured Home Park District

The R-3 District provides for areas which may contain two (2) or more manufactured homes on a parcel or land under single ownership. It is the intent of this Section that this District be located so as to not adversely affect the established residential development patterns and densities of the city subdivisions designed and/or intended for the sale of lots for stick-built conventional homes or manufactured homes.

Use Regulation

A. Site Plan Review

Pursuant to the procedure hereinafter set forth, when a proposal is made to develop manufactured dwellings in the R-3 District or to rezone property to the R-3 District, a "Site Plan" review shall be required. See Section 14.04.07 of this regulation for the procedure and requirements of a Site Plan Review. No application shall be accepted that fails to use

public sewer.

B. Permitted Uses

Manufactured homes or mobile homes.

C. Accessory uses

The accessory structures and uses of land shall be those permitted in the R-1SB Residential District.

D. Temporary Uses

Temporary uses shall be those allowed in the R-SB Residential District.

E. Conditional Uses

Stick-built conventional homes may be permitted in the R-3 District subject to the approval of a conditional use permit and all required submissions and conditions thereof. See Section 14.04.07 (Conditional Use Review) for required submissions.

Bulk and Area Regulations

- A. The minimum site area for the development of a R-3 Manufactured Home Park Development shall be five acres.
- B. The maximum density shall not exceed six (6) spaces per net acre.

Design and Siting Criteria

- A. All properties within this District shall be contiguous and shall be totally developed under a unified site plan approved by the Planning Commission.
- B. When a Manufactured Home Park either adjoins or is across the street from a R-1SB, R-IMH or R-2 residential zone, a compact evergreen screen and a permanent opaque fence of wood or masonry construction having a height of not less than six (6) feet shall be erected and maintained between such area and the residentially zoned property.
- C. No mobile home space shall take access on a dedicated public street.

Yard and Area Regulations

- A. Density

Six (6) site units per gross acre maximum.

B. Site Area

Minimum site area shall be five (5) acres.

C. Exterior Setback

The minimum setback from any property line shall be twenty-five (25) feet.

D. Interior Setback

The minimum setback from any interior drive shall be twenty (20) feet.

E. Parking

See Section 14.04.10 of this regulation (Single-Family Residence).

14.04.05 Description of commercial zoning districts

General Information. Commercial Districts

The Commercial districts established by this ordinance are designed to promote and protect the health, safety, and convenience, order, prosperity, and other aspects of the general welfare. These goals include among others, the following more specific purposes.

- A. To provide sufficient space, at appropriate locations and in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences. Areas for retail and service are indicated on the Mayflower Land Use Plan as General Commercial
- B. To provide sufficient and appropriate space, and in particular, sufficient areas, to meet the city of Mayflower's anticipated future need for modern, planned commercial developments in neighborhood and community shopping centers. Areas for this purpose have been set aside, as indicated by General commercial on the Mayflower Land Use Plan.
- C. To provide sufficient space at appropriate locations for varying types of commercial and miscellaneous service activities that are consistent in their marketing function. These areas can accommodate those commercial and service uses which either generate heavy traffic or depend upon heavy traffic for their marketing function, and which often require open storage of products for sale, which serve not only the local populous but also the traveling public. Areas for this purpose are indicated as Highway/Open Display Commercial on the

Mayflower Land Use Plan.

- D. To provide sufficient space at appropriate locations for retail and service activities whose primary function is to cater to the needs of the fishing/boating community associated with Lake Conway. Areas appropriate for this purpose are indicated on the Mayflower Land Use Plan as Resort Commercial.

- E. The Planning Commission, based on all required submissions and conditions thereof, may recommend approval to the City Council of the following conditional uses in the Commercial Districts for required submission requirements. Final Conditional Use approval must be granted by the City Council. It is the intent of this section to encourage, through conditional uses, the development of varied density arrangements, to permit affordable housing, to nurture development in appropriate locations, to allow continued use of existing residential housing in a commercial district for residential use, and to distribute varied density arrangements throughout the city and within various subdivisions. (Ord. No. 2005-3, Sec. 1.)

The Commercial Districts

The "C" Commercial Districts shall be cited in this regulation and on the official zoning map of Mayflower, Arkansas, as follows:

- A. "C-1" District, Retail Commercial
- B. "C-2" District, Town Center Commercial
- C. "C-3" District, Service Commercial
- D. "C-4" District, Highway Commercial
- E. "C-5" District, Resort Commercial

General Zoning District Restrictions

Unless otherwise specifically exempted in the appropriate district, the following restrictions shall apply to all commercial districts:

- A. Any lighting shall be so placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.

- B. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened.

- C. A landscaped area or fencing shall be provided along any side or rear property line which abuts property zoned for residential purposes. Said landscaped area or fencing shall have Planning Commission approval as to location, height, material, and construction.

- D. No mobile home or manufactured home, as defined in Section 14.04.16 of the Mayflower Municipal Code, and built as a residential structure, or portable building, may be used as a commercial building in any area zoned as commercial, except as a residence for caretakers, and/or watchmen and their families. No amount of renovation or modification will suffice to enable such structures to be used as commercial buildings in any area zoned as commercial, except as a residence for caretakers, and/or watchmen and their families. (Ord. No. 2000-05, Sec. 2.)

District, Retail Commercial

The C-1 District is designed to serve the retail needs of the surrounding residential neighborhood. These minor urban concentrations will provide the basic facilities and services most frequently and regularly utilized and required for home life. Individual districts may

include retail shops, consumer services, automobile service stations, and professional offices.

The C-1 district shall generally be located at arterial and collector street intersections and within walking distance of residential areas.

Any use which is found by the city of Mayflower to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, glare, noise, vibration or other disturbance is expressly prohibited.

C-1 District Development Criteria

- A. All business establishments shall only deal directly with the customer.
- B. All permitted uses and all storage accessory thereto, except sale of horticulture nursery product, off-street parking and off-street loading, shall be conducted within completely enclosed buildings.
- C. Parking, loading and service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.
- D. No single establishment shall have more than 7,500 square feet of gross leasable floor area.

C-1 District Use Regulations

A. Permitted Uses

Antique shops

Bakery or confectioner (provided goods that are baked on the premises shall be offered for sale only on the premises and at retail)

Bank or trust company, savings and loan

Barber Shop

Beauty Shop

Book, newspaper and magazine store

Business office

Dairy products store

Delicatessen

Drugstore

Electronics, computers, video tape shops

Florists

Fruit store

Furniture store

Gift shop

Grocery store

Hardware store
Horticultural nursery products store
Household appliance store
Jewelry store
Laundromat
Laundry and cleaning pick-up station
Market, produce
Medical and dental clinics
Offices for professional services
Photographic supply store
Restaurant, cafe or tea room
Shoe repair shop
Tailor, pressing, laundry and cleaning shop (including valet services with not more than three pressing machines, and one dry cleaning unit)
Taxicab stand
Telegraph or messenger service
Upholstery shop
Variety and dry goods store
Vegetable store
Wearing apparel store

B. Conditional Uses

Automobile filling station
Churches
Drive in restaurant
Pet shops
Public utility buildings and structures
Day Care Center
RI-SB Buildings (Ord. No. 2005-3, Sec. 1.)

Bulk and Area Regulations

A. Height Regulations

No building hereinafter erected or structurally altered shall exceed a height of 35 feet or be no more than 2 1/2 stories.

B. Area Regulations

1. Front Yard
There shall be a front yard having a set back of not less than twenty-five (25) feet from the front property line to the front line of the building.
2. Side Yard

Side yard setback shall not be required unless required for fire protection, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than twenty-five (25) feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than fifteen (15) feet, except when abutting a residential area, where the rear yard shall not be less than twenty-five (25) feet.

4. Lot Area Regulations

The site area for the zoning of the C-1 district shall be not less than one acre. When a request for zoning to C-1 is appended to an existing C-1 district the proposed new zone may be less than one acre provided the aggregate of the new zone and the existing zone is one or more acres. When the lots in a C-1 zone are under separate ownership and are designed to accommodate separated single buildings there shall be a lot area of not less than 7,000 square feet. In addition, there shall be a lot width of not less than seventy (70) feet at the building line and a lot depth of not less than one hundred (100) feet. The Planning Commission may consider an exception when the building or the separately owned land is part of and is consistent with the overall design of the adjacent commercial properties.

5. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be fifty (50) percent of the total area of the site.

D. Screening Requirements

Where a C-1 District abuts a Residential District whether in a shopping center or free-standing strip development a landscape screen shall be required. Said screens or fences shall have planning commission approval as to location, height, material and construction.

E. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space, developed to meet the requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1 1/2) inch asphalt concrete hot mix with a six (6) inch compacted base, or a four (4) inch concrete slab, sub-base compacted to 95% density and shall have appropriate bumper guards where needed. See Section 14.04.10.

C-2 District. Town Center Commercial

The C-2 District, Town Center Commercial, is the central focus of the greatest concentration of commercial and office activity. City government offices, fire, police and other emergency services and the library may well be located in or adjacent to the C-2 District, Town Center Commercial. These public functions in combination with the major retail shopping, consumer services offices, and multi-family residential development may create the greatest concentration of people and vehicles within the city.

C-2 District Development Criteria

- A. All commercial uses shall be restricted to closed buildings, except parking lots, plant nurseries, promotional events and the normal pump island services of auto service station operations.
- B. Parking, loading and service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.

C-2 District Use Regulations

A. Permitted Uses

- 1. Multi-family residential uses as permitted in the R-2 District and subject to the bulk and area regulations of that district.
- 2. Retail sales, service and office uses permitted in the C-1 District and the conditional uses.
- 3. Additional Commercial uses:

- Hotels
- Department store
- Furniture store
- Restaurants, restaurants with dancing and live entertainment
- Theater, cinema, stage productions
- Museum, gallery, libraries
- Radio and TV broadcasting studio
- Funeral parlor undertaking
- General office buildings
- Automobile Service Center

B. Conditional Uses

Land areas delineated as Institutional category on the Land Use Plan may be included within the C-2 District. These areas are intended for the establishment of public and

quasi-public uses complementary to the C-2 District, Town Center and may include but are not limited to the following uses and those of similar character:

- | | |
|------------------------|-----------------------------------|
| Churches | Libraries |
| Educational Facilities | Museums |
| Health Facilities | Day Care Centers |
| Government Offices | RI-SB Buildings (Ord. No. 2005-3) |
| Fire Stations | |
| Police Stations | |

Bulk and Area Regulations

A. Height Regulation

No building hereinafter erected or structurally altered shall exceed a height as limited by the Mayflower Fire Chief.

B. Area Regulation

1. Front Yard

There shall be a front yard having a setback of not less than twenty-five (25) feet from the front property line to the front line of the building.

2. Side Yard

Side yard setback shall not be required except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than 15 feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than fifteen (15) feet except when abutting residential area, the rear yard shall not be less than twenty-five (25) feet. In the case of a corner lot (abutting a street), when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than fifteen (15) feet.

4. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be fifty (50) percent of the total area of the site.

C. Screening Requirements

When a C-2 District abuts a residential district whether in a shopping center or a free-standing strip development, a landscape screen shall be required. Said screens or fences shall have Planning Commission approval as to location, height, material, and construction.

D. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways and off-street maneuvering space, developed to meet the requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1-1/2) inch asphalt concrete sub-base hot mix with a six (6) inch compacted base; or four (4) inch concrete slab, compacted to 95% density and shall have appropriate bumper guards where needed. See Section 10.0 for required parking space.

C-3 District. Service Commercial

Commercial service centers are the intended locations for retail sales, service and storage establishments serving the Mayflower population and the firms within the Industrial Park and Town Center. These essential activities, may involve some disturbance to adjacent uses, if in closer proximity to residential areas. No residential uses are intended for location in the C-3 District except only as living quarters for caretakers, and/or watchmen and their families.

C-3 District Development Criteria

- A. The open storage of retail and wholesale goods in conjunction with business establishments is permitted.
- B. Parking, loading, or service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.

C-3 District Use Regulations

- A. Permitted Uses
 - 1. All retail sales and service uses permitted in the C-1 District, Retail Commercial.
 - 2. Additional Commercial Uses:
 - Animal boarding place or veterinarian's clinic
 - Automotive uses
 - Auto, truck and trailer rental lot
 - Parking and storage garages and lots

Parts and supply stores
Repair garages and body shops
New and used sales and services
Building supply
Contractor's office and equipment yard
Farm implement sales and service
Household equipment and machine repair and servicing
Laundry and dry cleaning plant
Marine supply and equipment
Printing and publishing
Upholstering shop
Vocational and trade schools
Warehouse - general
Warehouse - mini and storage
Wholesale sales and storage

B. Conditional Uses

Cemeteries
Office Buildings
RI-SB Buildings (Ord. No. 2005-3, Sec. 1.)

Bulk and Area Regulations

A. Height Regulation

No building which is not an office building hereinafter erected or structurally altered shall exceed a height of 35 feet or be more than 2-1/2 stories. Office buildings shall not exceed a height of four (4) stories.

B. Area Regulations

1. Front Yard

There shall be a front yard having a setback of not less than twenty-five (25) feet from the front property line to the front line of the building.

2. Side Yard

Side yard setback shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than twenty-five (25) feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than fifteen (15) feet, except when abutting residential area, the rear yard shall not be less than twenty-five (25) feet. In the case of a corner lot (abutting a street), however, when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than 8 feet.

4. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be fifty (50) percent of the total area of the site.

C. Screening Requirements

When a C-3 District abuts a residential district whether in a shopping center or a free-standing strip development, a landscape screen shall be required. Said screens or fences shall have Planning Commission approval as to location, height, material, and construction.

D. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space, developed to meet requirements of this district shall be paved. The minimum pavement requirements shall be as follows; one and one-half (1 ½) inch asphalt concrete hot mix with a six (6) inch compacted base, or a four (4) inch concrete slab, sub-base compacted to 95% density and shall have appropriate bumper guards where needed. See Section 14.04.10 for required parking spaces.

C-4 District, Highway Commercial

The characteristics of the C-4, Highway commercial District, is an area for retail establishments which cater to the traveling public, Lot sizes, highway ingress and egress, setback requirements, and the design of the individual sites are intended to provide for motorists' needs, yet maintain adequate, safe, attractive facilities with minimal traffic interference. No residential uses are intended for location in the C-4 District except only as living quarters for caretakers, and/or watchmen and their families. This zoning is intended to reference highway travel along Interstate Highway 40 and State Highway 365.

C-4 District Development Criteria

1. The open storage of retail and wholesale goods in conjunction with business establishments is permitted.

2. Parking, loading, or service areas shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress.

C-4 District Use Regulations

A. Permitted Uses

1. All retail sales and service uses permitted in the C-1 District (Commercial Retail) and C-3 District (Commercial Services).

2. Additional Commercial Uses:

- Hotels
- Department store
- Furniture store
- Restaurants
- Theater, cinema, stage productions
- Radio and TV broadcasting studio
- General office buildings
- Automobile Service Center
- Automobile filling stations
- Liquor stores
- Truck Stops
- Retail stores that cater primarily to the non-resident traveling public
- Government facilities

B. Conditional Uses

- Cemeteries
- Churches
- Office Buildings
- Education facilities
- R1-SB Buildings (Ord. No. 2005-3, Sec. 1.)

Bulk and Area Regulations

A. Height Regulation

No building which is not an office building, or hotel, hereinafter erected or structurally altered shall exceed a height of 35 feet or be more than 2-1/2 stories. Office buildings and hotels shall not exceed a height of four (4) stories.

B. Area Regulations

1. Front Yard

There shall be a front yard having a setback of not less than thirty-five (35) feet from the front property line to the front line of the building.

2. Side Yard

There shall be a side yard having a setback of not less than twenty-five (25) feet, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than thirty-five (35) feet.

3. Rear Yard

There shall be a rear yard having a depth of not less than fifteen (15) feet, except when abutting residential area, the rear yard shall not be less than twenty-five (25) feet.

4. Lot coverage

Maximum lot coverage for all principal and accessory buildings shall be fifty (50) percent of the total area of the site.

C. Screening Requirements

When a C-4 District abuts a residential district whether in a shopping center of a free-standing strip development, or single building arrangement, a landscape screen shall be required. Said screens or fences shall have Planning Commission approval as to location, height, material, and construction.

D. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space, developed to meet requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1 ½) inch asphalt concrete hot mix with a six (6) inch compacted base, or a four (4) inch concrete slab, sub-base compacted to 95% density and shall have appropriate bumper guards where needed. See Section 14.04.10 for required parking spaces.

All driveways and parking lots shall be ample for the land use. They will be designed to keep highway traffic interference to a minimum.

"C-5" District Resort Commercial

The C-5 District is a designation for commercial activities associated with the recreational use (boating and fishing) of Lake Conway. The marinas or "landings" provide for retail sales, rental service of boats, boat storage, temporary living quarters, and auxiliary outdoor recreational activities associated with the recreational use of Lake Conway.

C-5 District Typical Development Components

- A. Marinas may be comprised of: floating docks; piers on pilings and attached to the shoreline; and rental cabins for temporary usage.

- B. Typically, marinas have a multi-purpose building entirely on land that: serves as an "office", may contain a restaurant or "lunch counter"; and is the place for the retail sales of bait, fishing tackle and fuel.

C-5 District Use Regulations

A. Permitted Uses

Retail Sales:

A convenience items as snack foods, aspirin, antacid, ice, ice boxes, etc.

A fuel for motor boats

A fishing tackle and fishing accessories

A live bait

Rental:

A cabins

A boats and motors

A fishing equipment

A recreational vehicle spaces

Restaurant or snack bar

Laundromat

B. Conditional Uses

A retail sale of boats, motors, boat trailers and boat accessory equipment motel

A automotive gasoline sales; or

A use similar to the above which may be disruptive or detrimental to adjacent residential areas if not controlled in scale and screening.

C. Area Regulations

The area for the zoning of a parcel of land for the C-5 district shall be not less than one acre exclusive of any water area. An existing C-5 district may append less than one

acre to the existing zone provided the zoning change is approved through the process for zoning changes outlined in this regulation.

D. Lot Area Regulations

When a resort commercial area provides rental property for temporary guests, whether free standing cabins or arranged as a motel, the buildings provided shall:

1. Be spaced sufficiently apart to meet fire safety codes or, if units are joined, must contain fire retardant materials and barriers to meet current fire safety codes.
2. Meet all buildings and other safety codes of the city of Mayflower.

E. Maximum building coverage of the dryland area shall be fifty (50) per cent.

F. Screening Requirements

In the interest of creating an improved ambiance for resort commercial development, the owners of the existing marinas are encouraged to use landscaping materials and organized parking spaces to enhance the visual quality of their property. Additionally, the developer of future marinas are required to provide landscaped screening at the sides of property which abut residential areas. Said screens or fences shall have Planning Commission approval as to location, height, material, and construction.

G. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways, and off-street maneuvering space, developed to meet requirements of this district, shall be paved. The minimum pavement requirements shall be as follows: one and one-half (1 ½) inch asphalt concrete hot mix with a six (6) inch compacted base, or a four (4) inch concrete slab, sub-base compacted to 95% density and shall have appropriate bumper guards where needed. See Section 14.04.10 for required parking spaces.

All driveways and parking lots shall be ample for the land use. They will be designed to keep highway traffic interference to a minimum.

14.04.06 Description of industrial park districts

Purpose and Intent

The I-1 Industrial Park District is designed to provide a parklike development for industry with controls based upon industry performance as well as type. The provisions of this zoning regulation will provide an efficient operating environment for industries and protect them from the encroachment of commercial and residential uses adverse to their operation and expansion.

I-1 District Restrictions

A. Hazard Restrictions and Performance Standards

It is the intent of this regulation to prevent land or buildings from being used or occupied in any manner to create any dangerous, injurious, noxious or otherwise objectionable condition related to fire, explosion, radioactivity, noise or vibration; smoke, dust, odor or other forms of air pollution; electrical or other disturbance; glare or heat, liquid or solid hazardous wastes or any dangerous or objectionable elements in a manner or amount to adversely affect the surrounding area.

B. Visual Restrictions

All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking spaces, off-street loading births, accessory fuel storage and employee recreational facilities. In addition, no goods, equipment, supplies or other materials shall be stored in the open, except on the rear two-thirds (2/3) of any lot, and then only when such open storage is no higher than six (6) feet and is fenced with a screening fence of at least six (6) feet in height.

C. Application

All proposals for development and uses of land and buildings are subject to site plan review submitted to and approved by the Planning Commission. In addition, the applicant shall submit a description of the proposed operation including, machinery, processes and products. The applicant will include specifications for the mechanisms, techniques and operations in sufficient detail so that the Planning Commission can determine or have determined whether the industrial pursuit meets the criteria of the foregoing paragraphs A and B.

I-1 District Use Regulations

A. Permitted Uses

Dwellings, only as living quarters for caretakers, and/or watchmen and their families

Helistop

Office buildings

Accessory off-street parking of motor vehicles

Research, experimental and testing laboratories

Underground pipe lines, underground electric power and energy transmission and distribution

lines, underground or overhead telephone or telegraph lines, overhead electric power and energy transmission and distribution lines

Secondary schools, vocational technical schools and colleges

Warehouses and storage buildings

Accessory buildings and uses: swimming pools, recreational facilities and Ready-mix plant for concrete

Public utility buildings and utility structures not otherwise permitted in other districts, including overhead electric power and energy transmission and distribution lines suspended from multi-legged structures, aboveground pipelines, radio and television broadcasting stations and towers and accessory structures

Retail Sales and Consumer Service Establishments (not including warehouse sales), accessory to any permitted use, and dealing primarily with employees of establishments permitted as principal uses, provided that such commercial uses shall not occupy more than 5 per cent of the total floor area of all buildings on any lot or group of contiguous lots in common ownership or control

Industrial and manufacturing uses which operate in conformance with the performance standards espoused by this regulation

B. Accessory Uses

Day Care Center in connection with existing industrial facility.

C. Prohibited Uses

The following uses are expressly prohibited:

Abattoir (slaughterhouse)

Arsenal or explosives manufacture

Blast furnace

Boiler works

Distillation of bones

Dump

Incinerator, or reduction of dead animals, garbage or offal, except when operated or licensed by a duly authorized public agency Fat rendering, grease, lard or tallow manufacturing or processing

Forge plant

Central mixing plant for asphalt, concrete, or other paving materials

Distillation of coal, tar or wood

Dye works

Fertilizer mixing plant

Foundry

Junk yard

Grist Mill

Saw Mill

Stockyard

Manufacture of: Acetylene
Brick, clay, terra-cotta, and tile products
Chemicals, including sulfuric, nitric or hydrochloric or other

corrosive or offensive acids
Cinder block
Printing ink
Rayon or similar products
Starch, glucose, or dextrin
Stove polish
Railroad yard or roundhouse
Rock crusher, washing and screening plants
Sand, gravel, or clay pit; rock or stone quarry
Steam power plant
Sugar refining
Ammonia, bleaching powder, chlorine, asphalt
Celluloid or pyroxylin (or treatment thereof)
Disinfectants
Emery cloth and/or sandpaper
Explosives, fireworks, or gunpowder, or storage of same
Fertilizers
Gas for illumination or heating
Glue, size or gelatin
Insecticides
Lampblack
Leather goods
Linoleum
Matches
Mortar, lime, plaster, cement, gypsum
Oil cloth and/or oiled products
Paint, oil, shellac, turpentine or varnish employing a boiling or rendering process
Paper manufacturing
Potash
Rolling mill
Soap
Soda or soda compound
Shoe blacking or polish
Rubber or products made therefrom
Sulfuric, nitric, hydrochloric or other corrosive acids
Tallow, grease or lard
Tar or tar roofing or water-proofing or other tar products, or distillation thereof
Yeast
Ore reduction
Packing house, including meat canning or curing
Petroleum refining, or storage in more than tank lots
Smelting
Tanning, curing or storage of leather, rawhides or skins
Wool pulling or scouring

Any other use which is found by the Mayflower Planning Commission to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance is and shall be expressly prohibited.

Bulk and Area Regulations

- A. Required Yards-and Landscaped Areas
 - 1. No principal or accessory building, parking area, loading or maneuvering area shall be located:
 - a. Less than 15 feet from any lot line.
 - b. Less than 50 feet from the boundary of any residence lot or from the boundary of any lot used for an educational institution.
 - c. Less than the following minimum distances from the street right-of-way line or proposed street right-of-way of the following types of streets or highways as designated on the Master Street Plan:

Class II	75 feet
Class III and IV	75 feet
Class V and VI or a private way within the Industrial Park	50 feet
- B. The required yards set forth above shall be landscaped in accordance with a plan approved by the Planning Commission. Landscaping shall mean the planting of grass, shrubs, trees and other comparable ground cover. To the maximum extent possible, driveways within such landscaped areas shall cross said areas by the most direct line, and all planting screens or walls required shall be located adjacent to parking areas rather than on the periphery of the lot. Such landscaped areas shall be maintained at all times.
- C. Street Access and Frontage
 - 1. Each lot shall have a minimum frontage of 100 feet on a public street provided, however, that the Planning Commission may approve a lesser frontage to a minimum of 60 feet for lots located on cul-de-sacs or on street curves or having other extraordinary characteristics. Vehicular access shall be permitted only to one of the following types of streets:
 - a. Class II

- b. Class III or IV
 - c. A Class V or VI or private way connecting only with any of the above class of streets.
(See Mayflower Master Street Plan for classification of streets in the city.)
2. The designation of any street or highway as to type shall be in conformance with that shown on the Master Street Plan.

D. Building Height Limit

No building or other free standing structure shall exceed a height of fifty (50) feet at the building line. Building heights greater than fifty (50) feet must be set back from the building line at a rate of three (3) feet for each additional one (1) foot of building height. EXAMPLE: At building line has a maximum allowable building of fifty (50) feet. If a building height of fifty-five (55) feet is required then the new building line would be an additional fifteen (15) feet.

E. Lot Coverage

Not more than 50 per cent of the area of the lot may be covered by buildings, including accessory buildings.

F. Spacing Between Buildings

No buildings other than an accessory building shall be located closer to any other building than a distance equal to the height of the higher building, and in no event less than 30 feet therefrom.

G. Off-Street Parking

Off-street parking shall be provided in accordance with the provisions set forth in Section 14.04.11, except that for an industrial or manufacturing establishment or warehouse or similar use, the minimum requirement shall be one parking space for each employee, or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every 10 employees, except that the Planning Commission may authorize fewer visitor parking spaces if found that a fewer number will be sufficient for the operation anticipated. In addition to the foregoing, one parking space shall be provided for each company-owned or leased truck, passenger car or other vehicle located or principally based on the premises.

No parking spaces may be located within required front yards, except that an area equivalent to not more than 30 per cent of the total area of all required parking spaces

may be located within a required yard for use as parking space for visitors, selected personnel and minor deliveries. Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.

When the lot on which parking spaces are located abuts the rear or side lot line of, or is across the street from, any residential land, a wall, fence or evergreen planting shall be maintained so as to screen substantially the parking lot from view from the nearest residential property. The screening shall be maintained in good condition at all times.

In parking lots of one acre or more, at least 5 per cent of the area of the parking lot shall be devoted to landscaping within the interior of the parking area.

14.04.07 Conditional use review, site plan review and accessory use permit

Certain specified uses of land and buildings are declared to be "Conditional Uses" in the various zoning districts. These conditional uses, prior to establishment, require a Public Hearing and Site Plan Review. In addition, there are uses of land and buildings which are permitted by right in the various zoning districts and are therefore not conditional but which do, also, require a Site Plan Review.

General Purpose

The purpose of this section is to set forth procedures for processing conditional uses and to establish standards by which conditional uses can be evaluated. Section No. 14.04.07 reviews the requirements of the Site Plan Review process. The Planning Commission shall hear and recommend, in accordance with provisions of this Regulation, each individual request for conditional use permits. Only those uses which are specifically listed as "conditional uses" in the respective zoning classifications may be requested for conditional use authorization. After detailed review of its compatibility with the area and the specific treatment of screening, landscaping, and other amenities provided to protect the integrity of the neighborhood, the Planning Commission shall forward its recommendation to the City Council for final action.

Application Procedure

Application for conditional use approval shall be made by the property owner or authorized agent for the owner. Said application may accompany a rezoning request or may be applied for by itself as long as the use is recognized as a conditional use in the existing zoning classification. The application shall be submitted to the City Clerk who will collect the filing fee and process all applicable surveys, site plans and other supporting information pertinent to this review process. The application shall precede the next scheduled Planning Commission meeting by at least seven (7) days.

Submission Requirements

The submission requirements (except the letters to abutting property owners) for a conditional

use shall be the same as for the rezoning of any lot, parcel or tract of land, in that a public hearing is required. Each application shall include a Site Plan that includes those items listed in Section 14.04.17

Uses Exclusively Conditional

Certain uses, due to their public/quasi-public nature and their potentially deleterious impact on adjacent properties, are not applicable "by right" in any zoning classification except the Industrial District. Such uses may only be placed within the city of Mayflower as Conditional Uses. They are:

- A. Utility Storage Yard
- B. Utility Substation
- C. Water/Sewage Treatment Plant or related facilities
- D. All uses of land and structures proposed for establishment in the "OS" District.

Conditional Use Review Process

The Planning Commission shall review each individual conditional use for approval, approval with modifications, deferral or denial and then shall submit recommendation to the City Council.

Planning Commission and City Council

- A. The Planning Commission shall review conditional use applications at a scheduled public hearing, at which time interested persons may appear and offer information in support of or against the proposed conditional use. The Planning Commission shall then make one of the following recommendations to the City Council: approve the conditional use as submitted; approve the conditional use with modifications; defer the conditional use; or deny the conditional use.
- B. The Planning Commission and City Council may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. The conditional use must ensure compatibility with the surrounding property to better carry out the general intent of this Regulation.
- C. In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of the Regulation relating to area, parking, landscaping, or screening.

Development Standards and Review Guidelines

In carrying out the purpose of this section, the following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the Planning Commission and City Council for each specific conditional use location.

- A. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
- B. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- C. The proposed use is within the provision of "conditional uses" as set out in this Regulation.
- D. The proposed use conforms to all applicable provisions of this Regulation for the district in which it is to be located, and the use facilities public convenience at that location.
- E. The size and shape of the site, including the size, shape and arrangement of proposed structures is in keeping with the intent of this Regulation.
- F. The internal street system, ingress and egress, proposed off-street parking, loading and pedestrian ways are adequate and in compliance with city policy and regulation.
- G. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

Conditions Binding

Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise, of such authorization must commence within 60 days. No conditional use authorized by the Planning Commission shall be subsequently submitted to the Mayflower City Council for variances. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use, no building permit shall be issued except in conformance with the provisions of this section.

Right of Appeal

Any petitioner who is aggrieved by the decision of the City Council shall have the right to appeal

to a court of record.

Site Plan Review

General Purpose and Review Guidelines

The purpose of this section is to set forth a procedure for processing site plans and to establish standards for development within those districts which require regulation by this Section.

Site Plan Review is a development review process that provides for case-by-case consideration of project particulars including the provision of parking and landscaping, drainage, siting of buildings, and the compatibility of the proposed development with adjacent uses.

All development shall be designed in such a way as to minimize any potential deleterious impact on the surrounding area. Special attention shall be given to buffering multi-family, commercial and industrial developments from adjacent single-family areas. Design of the internal street 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 reduce erosion, heat and glare, and said 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 not compatible and shall also be provided for the beautification and enhancement of the property.

Applicable Districts

The site plan review process shall apply to all applications for building permits for the specified uses in the following zoning districts

- A. "A-1"-Commercial Agricultural Operations
- B. "OS" District - All uses of land and structures
- C. "R-2" - All Multi-Family Dwellings
- D. "R-4" and "R-5" districts- All Manufactured Housing
- E. "All Uses in Commercial Districts"
- F. "I-1" - Industrial Park Districts
- G. All Conditional Uses in the various zoning districts.

(No application for building permit will be accepted for construction in "FW" districts, except for conditional uses or variance.)

Procedure and Authority

- A. The Planning Commission shall review site plans prior to the issuance of a building permit. The plan will be assessed for compatibility with standards and criteria provided herein. Public hearing of a site plan proposal shall take place at scheduled meetings at which time interested persons may appear and offer information in support of or against the proposed site plan. The Planning Commission, following said public hearing, will then take one of the following steps: approve the site plan as submitted; approve the site plan with modifications; defer the site plan for future review; or deny the site plan.

- B. In addition to the special requirements of this section, the Planning Commission may impose on a site plan such additional requirements as are necessary to safeguard the public health, safety and general welfare. The Planning Commission may require the applicant to submit a revised site plan incorporating the imposed requirements and modifications or may elect to approve a site plan on the contingency the requirements and modifications will be made.

Initiation

Any application for a zoning classification or building permit which involves site plan review may be initiated by the owner or other person having a contractual interest in the property, or by the authorized agent of such owner or person.

Submission Requirements

A. Zoning Submission

The submission requirements for the rezoning of any lot, parcel or tract of land which includes site plan review shall be the same as for any other zoning application that requires a site plan review.

B. Site Plan Submission

The submission requirements for the review of a site plan preceding the receipt of the building permit shall include the following:

1. A site plan to be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches, and no smaller than eight and one-half (8.5) inches by eleven (11) inches, and including:
 - a. Graphic scale and magnetic North direction
 - b. Proposed lot lines, if applicable

- c. Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, walkways, service areas and loading street parking areas and all points of vehicular ingress and egress.
 - d. Proposed perimeter of the property, indicating screening materials to be used including fences, walls, and plant materials.
 - e. Schematic landscape plan showing proposed treatment of any areas designated as private common open space.
 - f. Location and dimension of all existing and proposed utility drainage, and street easements and all existing public improvements within the site.
 - g. Proposed location of structures and structural dimensions, dimension of distances between buildings, and distances from structures to property lines.
 - h. Engineering drawings with pertinent location, dimensions and capacity of surface drainage in conformance with at least the minimum requirements of the city's Subdivision Regulation Ordinance.
1. Statement of proposed use of land and structures.
 2. A topographical cross section map of the site and the location of the 100 year flood elevation if involved on the parcel of land.
 3. Quantitative data including the following information:
 - a. Parcel size.
 - b. Proposed building coverage of principal and accessory buildings.
 - c. Proposed floor area of principal and accessory buildings.
 - d. Proposed number of parking spaces.
 4. A registered land survey showing the exact property or boundary lines, including a legal description of the total site(s) proposed for development, including a statement of present ownership.

Site Plan Disapproval

A finding by the Planning Commission of lack of compliance with the following standards may result in disapproval.

- A. The proposed site plan is incomplete or contains or reveals violations of this Regulation or applicable zoning regulations which the applicant has, after written request, failed or refused to supply or correct.
- B. The proposed site plan does not comply with the minimum height and bulk and area or density regulations applicable to the zoning classification for which the site plan has been requested.
- C. The proposed site plan does not comply with the minimum screening and landscaping requirements of the city of Mayflower as determined by the Planning Commission or the City Council.
- D. The proposed site plan interferes unnecessarily with easement, road-ways, utilities, and other public or private rights-of-way.
- E. The proposed pedestrian and vehicular circulation systems incorporated in the site plan subsequently create hazards to safety on or off the site.
- F. The proposed site plan does not conform to the minimum drainage requirements found in the Subdivision Regulation.
- G. The proposed site plan violates the basic intent of this Regulation or does not comply with those conditions which were stipulated at the time of zoning designation.

Effect of Approval

- A. An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the site plan. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with this section, provided, however, that the Mayor of Mayflower or his designate may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:
 - 1. Any change in the allowable use of the development.

2. An increase of greater than five (5) per cent in the number of dwelling units, but not to exceed the total allowable dwelling units in the respective zoning classification.
 3. Any modification compounding the problems of vehicular circulation, safety, and provision of public utilities.
 4. Any modification having an adverse impact on adjacent property.
 5. Any appreciable reduction of the approved building setback lines.
 6. Any reduction of the off-street parking and loading requirements below those specified in this Ordinance.
- B. Whenever the individual responsible for reviewing building permits finds that any proposed construction or occupancy will not comply with the approved site plan, the question shall be referred to the Planning Commission for review.

Amendments and Modifications

The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as the original application.

Appeals

Any applicant aggrieved by a decision of the Planning Commission as it relates to the site plan review process shall have the right to appeal to the city of Mayflower City Council.

Accessory Use Permit

General Purpose.

The purpose of this section is to provide a method of control over certain types of land uses which, while not requiring the full review process of the conditional use permits, do require review procedure which allows for determination of their appropriateness within the neighborhood for which they are proposed and for public comment. The general purpose of this section is not intended to disrupt, change or otherwise modify the integrity of residential neighborhoods or residential zoning, but to allow, in certain circumstances and under specified conditions the operation of home businesses when that operator is not opposed by the other residents or persons who have an interest in the residential property.

Application Procedure.

The property owner or an authorized agent shall apply for an accessory use permit under the

guidelines. Accessory use applications may be submitted for review by the Mayflower Planning Commission at any time. Approval by a majority of the Mayflower Planning Commission is sufficient for issuance of an accessory use permit.

Mayflower Planning Commission decisions may be appealed by the applicant, by residents, or by any person to the City Council and shall be filed with the Mayflower City Clerk. The content of the filing shall consist of: (1) A cover letter addressed to the Mayor of Mayflower and members of the Mayflower City Council setting forth the request; (2) a copy of all pertinent graphic materials or correspondence. This filing shall occur within thirty (30) calendar days of the action by the Mayflower Planning Commission. No activity which requires an accessory use permit shall be conducted prior to issuance of the permit.

Uses Requiring Accessory Use Permits.

Moderate impact home business/occupations shall require an accessory use permit in all residential zoned districts.

Transfer of Permits.

Accessory use permits shall not be transferable in any manner. A permit shall not be passed from owner to owner, location to location, or use to use.

14.04.08 General provisions

Accessory Buildings

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building. For purposes of this Zoning Regulation satellite receiving stations are construed to be accessory buildings and shall be screened by appropriate fencing or landscaping means. No accessory building shall be greater than 25 per cent of the principal building in square footage of floor area.

An accessory building attached to the principal building shall be made structurally a part of, and have a common wall with the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. Unless so attached, the accessory building shall be located on the rear one-half of the lot.

The set-back requirements for accessory buildings in the various zoning districts are as follows:

- A. "R-1", "R-4" and "R-5" Districts Single-Family Detached
 - 1. side yard, seven feet and six inches
 - 2. rear yard, ten (10) feet

1. side yard, seven feet and six inches
2. rear yard, ten (10) feet

C. I-1 Industrial District

1. side yard, twenty-five (25) feet
1. rear yard, twenty-five (25) feet

D. Commercial Districts

Nonconforming Uses

Continuing Existing Nonconforming Uses

Any use of land, building, or structure existing at the time of the enactment of these regulations may be continued even though such use, building, or structure may not conform with the provisions of these regulations for the district in which it is located.

Limitations on Nonconforming Uses

A nonconforming use of a building or land shall not be changed, extended, re-constructed, enlarged or structurally altered unless:

- A. Such change is required by law or court order.
- B. Authority is granted by the Planning Commission and the City Council.
- C. Such repairs and maintenance work are required to keep the building structurally sound.

Cessation of Nonconforming Use

A lawful nonconforming use of a building, structure or land, that has been voluntarily discontinued for a period of six (6) months, or more, shall not thereafter be resumed. Whenever a nonconforming use has been changed to that of a conforming one, such use shall not thereafter be changed to a nonconforming use. (Ord. No. 2000-5, Sec. 3.)

Replacement of Damaged or Destroyed Nonconforming Uses

Unless approved by the Mayflower Planning Commission, any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquakes, or other calamity or act of natural consequences may not be restored or reconstructed or used as before the calamity or natural

consequence.

Approval subject to the following conditions:

- A. If the nonconforming building can be restored or reconstructed to achieve conformity, ie., meet minimum yard or height requirements of this ordinance, the owner/builder is required to achieve conformity.
- B. If the nature of the nonconformity is the use of the land or building the use shall not be changed after restoration to a use that is less compatible with the zone in which it is located. In no case shall a building or the use of a building or use of land be restored if said use or building has been declared by law to be a public or private nuisance.

Off-Street Loading

Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise, shall provide and maintain on the same lot with such building at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area, and one additional such space for each 10,000 square feet or major fraction thereof of gross floor area in excess of 5,000 square feet.

Each loading space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height. An access drive not less than ten (10) feet in width shall be provided leading from the street to the loading area, except when the loading space abuts a street or alley or easement of access.

Such space may occupy all or any part of any required yard space, but no such space may be closer to a residential district than twenty-five (25) feet, unless the space is wholly within a closed building or unless enclosed on all sides facing such residential district by a solid fence or wall at least six (6) feet in height.

Fences and Screens

Residential

The city of Mayflower is concerned that the erection of fences in yard space fronting on streets may impair the sight distance of the operator of moving vehicles on streets to the extent of creating a traffic hazard and that the erection of fences such as these may obstruct the view from dwellings placed on adjoining lots.

Application for a permit to build a fence in front of the building line (front yard) on a lot or lots in the R-1 District shall be made by the owner or agent of said lot or lots to the Mayflower Planning Commission. The application shall indicate in writing or by graphic means the location, height, materials and construction method of the proposed fence.

The Mayflower Planning Commission shall review or cause to be reviewed the application taking into consideration:

- A. The aspects of traffic hazard and view obstruction from adjoining lots and;
- B. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Mayflower Planning Commission that the proposed fence does not violate the stated concerns of the city of Mayflower the permit shall be issued.

If a permit is denied based on the applicant's proposal, the applicant may appeal the Mayflower Planning Commission's decision to the Mayflower City Council for a hearing.

An appeal from the Mayflower City Council's decision may be made by the applicant to a court of record.

14.04.09 Special provisions

General

Subsections 10.2 through 10.4 describe the special conditions under which certain uses are permitted in a zoning district.

Flammable Liquids and Gases. Storage of:

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

Home Occupations

Purpose

The purpose of the home business/occupation provisions is to allow only home business/occupations that are compatible with the residential neighborhood in which they are located.

Definitions

Home business/occupation: An accessory use of a dwelling unit, involving the manufacture, provision, or sale of goods and/or services, which is carried on by members of the immediate family residing on the premises. Home business/occupations shall not include garage sales and yard sales nor home parties which are held for the purpose of the sale or distribution of goods or services. However, if the collective total of all such sales and/or parties exceeds four at any one location in any calendar year such sales and/or parties shall be considered a home

business/occupation.

This ordinance separates home business/occupations into two different and distinct categories as follows:

A. Low Impact Home Business/Occupation.

This type of home business/occupation has little, if any effect on the existing neighborhood. Typically, this type of home business/occupation is an office use where the resident occupant conducts no business other than by telephone, mail, facsimile, or computer modem; where customers are not typically received on the premises; where no deliveries are accepted on a regular basis; and where an office is needed for the purposes of sending and receiving mail, telephone calls, maintaining records, and other similar functions. A low impact home business/occupation is a home business/occupation operated in such a manner that the average neighbor would be unaware of its existence. Examples of this type of home occupation include, but are not limited to: artist, telephone solicitors, house-cleaners, homemade crafts for sale off-site, baby sitting (five children maximum), tutoring (five pupils maximum), office facility for a salesman, sales representative, or manufacturer's representative provided that no transactions are made in person on the premises.

B. Moderate Impact Home Business/Occupation.

This type of home business/occupation has some type of impact on the existing neighborhood. Typically, this type of home business/occupation is an office use where the resident-occupant conducts business with customers on-site; where equipment, other than office equipment, exist to conduct the home business/occupation; where a company vehicle and/or company trailer exist. A moderate impact home business/occupation is a home business/occupation operated in such a manner that the average neighbor would be aware of its existence due to traffic, noise, or equipment. Examples of this type of home business/ occupation include, but are not limited to; contractor's office, locksmiths, swimming pool cleaning, financial planning, lawn care/maintenance, day care center (more than 5 children), etc.

Permit Requirements.

Home business/occupations complying with the criteria established in this ordinance and defined as low impact occupations shall be permitted by right with no Accessory Use Permit required. Moderate impact occupations shall commence operation only after the receipt of an Accessory Use Permit from the city of Mayflower.

Compliance Criteria for Home Business/Occupations.

The home business/occupation permit shall be denied when any of the following conditions are found to exist:

- A. More than 33% of the floor space of the principal residential structure (or over 1,000 square feet, whichever is less) shall be used for the operation of the home business/occupation.
- B. More than one service or company vehicle shall be parked, stored or maintained on the premises. The following types of vehicles are expressly prohibited at any time:
 - 1. All commercial tow vehicles or vehicle carriers
 - 2. Dump trucks or trash haulers
 - 3. Flat bed or stake bed trucks
 - 4. Trucks or buses used in inter or intrastate commerce
 - 5. Vans with a capacity of one ton or larger, used for other than a private passenger vehicle
 - 6. School or church buses or vans one ton in carrying capacity or greater
 - 7. Any service or company vehicle with a capacity exceeding one ton
- C. More than one trailer shall be allowed. (One trailer shall be allowed only as long as the trailer is attached to the service or company vehicle and is used for the transportation of equipment. The one trailer shall not be allowed if disconnected from the service or company vehicle without being stored in a garage or behind an approved fence enclosure. The one trailer shall not be parked or stored in the street, and shall not be parked or stored with trash, rubbish, or other nuisance materials.)
- D. Temporary or permanent outside storage of equipment or materials shall be allowed.
- E. Use of an accessory structure on this property for storage or any other purpose of conducting the business/occupation.
- F. More than one employee or independent contractor shall be permitted to report to the premises for job assignment or to work at the premises. (No more than one employee shall be allowed at the premises, while functioning as an employee, other than immediate family members who reside on the premises.)
- G. Additional building or remodeling shall be allowed on the premises to accommodate the home business/ occupation.
- H. There shall be a display that will indicate from the exterior that the premises are

being utilized in part for any purpose other than that of a dwelling unit.

- I. There shall be display of the product(s) visible from the street.
- J. A commodity shall be sold upon the premises, except that which is prepared on the premises. (Retail businesses are not allowed.)
- K. The home business/occupation shall create a hazard to persons or property, or any offensive conditions such as excessive noise, vibrations, dust, glare, electrical interference, odor, or any other form of pollution of any nature.
- L. Mechanical, electrical, or chemical equipment or any form of apparatus shall be utilized which interferes with or substantially disrupts the integrity or the character of the neighborhood.
- M. Deliveries that pertain to the business which has an adverse impact on the neighborhood traffic, but shall not include Federal Express, UPS, or similar type earners.

Enforcement Procedures.

Any home business/occupation permitted by the city of Mayflower under the Accessory Use Permit provisions shall only be valid for the applicant, business/occupation and residence for which the permit is issued. A home business/ occupation accessory use permit shall be subject to cancellation in the event of any noncompliance with, or continued violation(s) of any provisions of, this ordinance by action of the Mayflower Planning Commission.

Home business/occupation applicants or operators shall agree to permit inspection of the premises by the city of Mayflower, as directed by the Mayor, to determine compliance with the rules and regulations set forth in this ordinance.

Any aggrieved person believing that a violation or violations of this ordinance is occurring and who desires that action be taken by the city of Mayflower shall notify the City Clerk in writing of such alleged violation(s). The City Clerk will provide the Mayor, or his designate, with a copy of the complaint. Within thirty (30) calendar days after receipt by the City Clerk of such written allegation(s), the city of Mayflower, as directed by the Mayor, shall complete an investigation of the allegations(s) to determine the merits thereof. Within ten (10) calendar days after the city of Mayflower, as directed by the Mayor, has completed the investigation, the following actions shall be taken:

- A. If the city of Mayflower, as directed by the Mayor, finds no such violation has occurred, then written notification of that finding shall be provided the home business/occupation operator and to the complaining person (or a spokesperson for complaining party) by certified mail.
- B. If the city of Mayflower, as directed by the Mayor, finds that a violation has

occurred, then written notification of that finding and a time for compliance shall be sent by certified mail to both the violator and the complaining person (or a spokesperson for complaining party). The written notification shall also state what action, if any, will be taken if compliance is not performed within thirty (30) calendar days.

- C. If compliance does not take place within the allowed thirty (30) calendar days, or violations continue to occur, the city of Mayflower shall schedule a hearing before the Mayflower Planning Commission to decide whether or not to revoke the Home Business/Occupation Accessory Use Permit. Written notification of the hearing will be sent to the holder of the Home Business/Occupation Accessory Use Permit and the complaining person (or a spokesman for the complaining party) by certified mail.

The Mayflower Planning Commission will review the matter at the hearing and decide whether to revoke the Home Business/Occupation Accessory Use Permit. The Mayflower Planning Commission decision will be effective immediately and written notification will be sent to the violator and the complaining party (or a spokesman for the complaining party) by certified mail.

- D. Any person may appeal a decision by the Mayflower Planning Commission to the Mayflower City Council by written appeal provided the Mayflower City Clerk. Oral and written arguments and testimony shall be permitted before the Mayflower City Council.

- E. Decisions of the Mayflower City Council are final.

Renewal of Home Business/Occupation Accessory Use Permit.

Home business/occupations shall not require renewal provided that there have not been any violations of the provisions of this ordinance. Should violations occur or continue to occur the Mayflower Board of Adjustment reserves the right to revoke the Accessory Use Permit.

Violations.

Any person operating or continuing to operate a home business/occupation in violation of the provisions of this Title 14, Zoning Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of at least One Hundred Dollars (\$100.00), but not more than Five Hundred Dollars (\$500.00). Each day in which a violation hereof shall occur constitutes a separate offense.

Preexisting lots of record: Lots that were platted and on public record prior to the enactment of Ordinance 99-5 are preexisting lots of record. (Ord. No. 2000-05, Sec. 4.)

Nonconforming preexisting lots of record: owners of lots, which have been rendered unbuildable due to the minimum lot size and/or yard requirements of this zoning regulation, may request relief from the strict application of minimum requirements. Relief from the strict application of the minimum requirements is termed a variance and must be filed with the Mayflower zoning Board of Adjustment. The owner of such nonconforming lots shall demonstrate to the board that subject property is so space restricted that the building area is not sufficient to meet minimum building size or yard requirements of the Mayflower Municipal code. (Ord. No. 2000-05, Sec. 4.)

Conditions that affect a variance: The Mayflower zoning Board of Adjustment shall be guided by the following circumstances regarding preexisting nonconforming, lots of record to determine the validity of a variance request:

- E. If only one nonconforming (substandard) lot is held by the owner seeking relief, and no other property held by the owner touches subject lot, then the variance may be judged suitable by the board.
- F. If two or more nonconforming lots, which lots have a common boundary between any two lots, are in the same ownership the lots shall be combined (replatted). The board will consider then:
 - 1. If replatted (combined adjoining) lots remain nonconforming then a variance may be issued.
 - 2. If replatted (combined adjoining) lots achieve conformance then no variance shall be issued. Thus, all area and yard requirements germane to the district shall apply.
 - 3. The act of replatting shall not leave a lot that is nonconforming, i.e., all land under separate ownership submitted for a variance shall be replatted to conforming. (Ord. No. 2000-05, Sec. 4.)

Nonconforming lot granted a variance: Any lot or parcel of land in any zoning district that was granted a variance under the preceding regulations may be used as a building site subject to the following provisions:

- A. Side yard requirements: On any such lot or parcel, the yard requirements of these regulations shall be complied with if said requirements do not reduce the net buildable width of the lot below forty feet (40'). If the net buildable width of the lot falls below forty feet (40'), then the side yard requirements may be reduced so that:

1. Any interior side yard shall not exceed ten percent (10%) of the width of the lot; and
2. Any exterior side yard shall not exceed twenty percent (20%) of the width of the lot or eight feet (8'), whichever is greater.

B. Front and rear yard requirements: On any such lot or parcel, the front and rear yard setback requirements shall not reduce the net buildable depth of the lot below fifty feet (50'). If the front and rear yard requirements do reduce the net buildable depth below fifty feet (50'), then front and rear yard requirements may be reduced to that of:

1. The front yard shall not exceed fifteen percent (15%) of the depth of the lot; and
2. The rear yard shall not exceed ten percent (10%) or the depth of the lot, or ten feet (10'), whichever is greater. (Ord. No. 2000-05, Sec. 4.)

14.04.10 Parking space requirements

General Conditions

The requirement to provide and maintain the off-street parking space herein required shall be the responsibility of the operator and owner of the use and the operator and owner of the land on which off-street parking space is required to be provided and maintained. All off-street parking and drives for multifamily residential, commercial and industrial uses shall be paved with concrete or asphalt. No land shall be used or occupied, no structure shall be designed, erected, altered, used or occupied and no use shall be operated unless the off-street parking space herein required is provided in at least the amount specified and maintained in the manner herein set forth. Parking space and access for the handicapped shall be provided in accordance with Arkansas State Laws concerning handicapped parking.

Location of Off-Street Parking Space

Off-street parking space shall be located on the same lot as the use for which provided and may be composed of one or several separated parcels, unless otherwise provided for herein.

Separation of Combined Space

Separate off-street parking space shall be provided for each use of the parking space required of two (2) or more uses located on the same lot but may be combined and used jointly; provided, however:

- A. Where off-street parking space is combined and used jointly by two (2) or more uses having different standards for determining the amount of off-street parking space required, the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.
- B. Where off-street parking space is combined and used jointly by two (2) or more uses having the same standard for determining the amount of off-street parking space required, all of such uses, for the purpose of this section, shall be considered a single unit and the gross floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot, as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required.

Site Plan Requirements

The site plan submitted shall show the location and design of entrances and exits to public roads, the location and size of all buildings and structures, location of parking spaces, directional markings, traffic control devices and signs, walls, fences, landscaped areas, banks, berms, change of grades and planting materials, including the type and names of the materials proposed to be planted, and shall contain such other information in the form required by the city of Mayflower.

The site plan shall be prepared with careful regard to the location of the parking facilities with relation to adjoining and neighborhood commercial, industrial, multi-family and other residential improvements, and shall be devised to have the less adverse effect on such adjoining or neighboring properties. Shrubs, vines, trees, walls, fences, berms, and other materials used shall be of a nature to be permanent and requiring as little maintenance as possible. Planting strips in which trees or other natural growth are located shall be of sufficient width or shall be so designed so that the plantings and trees shall be protected from vehicles. Trees and plants shall not be of a kind to have offensive or injurious gum, moisture, fruit, or seed droppings. Plantings and structures shall be located with due regard to traffic safety and effective mechanical snow removal.

When the parking facilities are housed in an underground garage or a multi-storied structure or on the roofs of buildings, a site plan shall be submitted hereunder for approval of interior traffic directions, slope of ramp, for location of entrances and exits on public roads, for approval of sight distances at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structure from adjoining properties and from public roads.

Plans and Design Standards

- A. Designs and plans for areas to be used for automobile off-street parking and loading shall show in detail the location and extent of the area and other features, conditions or requirements of these Regulations.
- B. Each automobile parking space shall be not less than one hundred and eighty (180) square feet in area with minimum dimensions of nine (9) feet by twenty (20) feet.

In addition, there shall be provided adequate interior, entrance and exit driveways to connect each parking space with a street or alley open to use by the public. However, a driveway within a required front yard for a single-family residence shall count as one (1) parking space.

- C. For group parking facilities with capacity for six (6) or more vehicles:
 - 1. All such off-street parking facilities shall be so drained as to prevent damage to abutting properties and/or public streets.
 - 2. All parking spaces shall be separated from sidewalks, roads, streets or alleys by curbing, and all roads, streets, alleys, sidewalks, and other public rights-of-way shall be protected from vehicular overhang by wheel bumpers, curbs, five (5) foot spacing between the right-of-way line and the parking area, or other method approved by the Planning Commission.
 - 3. One-way interior driveways, and entrance and exit driveways, shall be at

least ten (10) feet in width to allow safe and expeditious movement of vehicles. Two-way interior driveways, and entrance and exit driveways, shall be not less than twenty (20) feet in width.

4. All such off-street parking areas shall be so arranged and marked as to provide for orderly safe loading unloading, parking and storage of vehicles with individual parking spaces clearly defined, and directional arrows and traffic signs provided as necessary for traffic control. Pedestrian crosswalks shall be marked and designed to minimize the risk of accidents.
5. Adequate lighting shall be provided if the parking facilities are used at night.
6. Pedestrian walkways and sidewalks shall be provided in addition to all required parking spaces and drives on all off-street parking facilities where found necessary for pedestrian safety by the Planning Commission; such walkways and sidewalks shall be protected from vehicular overhang and movement by bumpers, curbs, or other methods.
7. Lighting of off-street parking facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises, nor to cause reflection or glare which adversely affects safe vision of operators of vehicles moving on roads and highways.
8. If such off-street parking facilities adjoin, or are across a street or alley from property classified Residential, the entrance and exit driveways of such facilities shall, wherever possible, be located so that they will not be in close proximity to or across a street or alley from the residential property.
9. In the event a parking lot adjoins a residential district, all parking surfaces, spaces, and driveways shall be set back a distance not less than twenty-five (25) feet from the adjoining residential zone; except that if the adjoining land is across an existing or planned public right-of-way fifty (50) feet or greater in width, this provision shall not apply.

10. Computing number of employees.

For the purpose of this section, the number of employees shall be the maximum number of persons to be employed at any time during the year.

11. Reduction in areas.

No automobile off-street parking facility shall be reduced in area or

encroached upon by buildings, vehicle storage or any other use where such reduction or encroachment will reduce the area below that required.

12 Interior and roof parking.

All garage or other space allocated for the parking of vehicles within buildings or in basements or on the roof of buildings, shall be considered part of the required off-street parking facilities and may be included as such in computing the area's requirements outlined in the Schedule of Parking Requirements. When the parking facilities are housed in an underground garage or a multistoried structure or on the roofs of buildings, a site plan shall be submitted hereunder for approval of interior traffic directions, slope of ramp, for location of entrances and exits on public roads, for approval of sight distances at such entrances and exits and at corners of intersecting public roads, and for approval of the effective screening of the cars located in or on the parking structure from adjoining properties and from public roads.

13. Distance from main building.

All automobile off-street parking facilities shall be located so that the major point of pedestrian access to the facilities is no more than five hundred (500) feet walking distance from the nearest entrance to the establishment to be served by such facilities.

14. Mixed uses.

When any land or building is used for two (2) or more purposes the number of parking spaces required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking facilities for one purpose shall not be considered as providing the required parking facilities for any other purpose unless such purposes are at completely separate times in the day or night, with no overlapping times of use.

15. Cooperative establishment of parking areas.

Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated. The number of spaces designated shall not be less than the sum of the individual requirements for each coincidental use, and provided further, that all regulations contained in this section are complied with.

Schedule of Parking Requirements

Off-street parking space shall be provided as follows:

Ambulance service or rescue squad:

Adequate space to accommodate all motor vehicles operated in connection with such use and two (2) additional parking spaces per each such vehicle.

Apartment:

Same as multiple-family dwelling.

Automobile filling station, service station, and automobile repair:

Two (2) parking spaces for each car wash bay, grease bay, or similar service area, one (1) parking space for each employee, and one space for each three hundred (300) square feet of total retail floor area (not including storage rooms, private offices, restrooms, hallways and corridors).

Care Home:

One (1) parking space for each three (3) residential units and one parking space for each employee.

Church, synagogue or other place at worship:

One (1) parking space for each four (4) persons for which seating is provided in the main auditorium. No additional spaces will be required if the church, synagogue or other place of worship is located within five hundred (500) feet of any public parking lot or any commercial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.

Commercial establishment devoted to retail sales, trade, merchandising or other similar use:

One (1) parking space per three hundred (300) square feet of retail floor area up to ten thousand (10,000) square feet plus one parking space for each employee. For structures larger than ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining retail floor area:

10,001 to 20,000 sq. ft.	95% of Parking Requirement
20,001 to 30,000 sq. ft.	90% of Parking Requirement
30,001 to 40,000 sq. ft.	85% of Parking Requirement
40,001 sq. ft. and up	80% of Parking Requirement

As used herein, retail floor area is defined as the total floor area designed for access by the consuming public or customers or the commercial establishment; which does not include storage rooms, stockrooms, private offices, or any other area of the building closed to the public.

Not included in this definition are separate standing office or professional buildings, or theaters. Also not included in this definition are businesses which provide drive-through, walk-up, window service, or counter pickup.

This definition does include banks and other such activities which may be a part of a shopping center.

Commercial establishment devoted to retail sales, trade, merchandising or other similar use provided strictly from drive-through, walk-up, window service, or counter pickup:

One (1) parking space for each employee, plus two additional spaces for delivery, contractor, or customer service.

Community center, library, museum, civic club, private club, lodge, and similar uses:

One (1) parking space for each four hundred (400) square of floor space plus one space for each employee.

Educational institution, private:

One (1) parking space for each employee, including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking, as determined by the Mayflower Planning Commission.

Charitable and philanthropic institution:

One (1) parking space for each employee, plus one (1) parking space for each four hundred (400) square feet of total floor area for residents and visitors.

Fraternity, sorority, and dormitory:

One (1) parking space for each two (2) students residing on the premises in a fraternity, three (3) students in a sorority, and four (4) students in a dormitory, plus one (1) additional space for each housemother, manager and employee.

Furniture store:

One (1) parking space for each one thousand (1,000) square feet of total floor area plus one (1) space for each employee.

Heliport:

If at ground level, adequate space for off-street parking of at least five (5) vehicles. If elevated, reasonable parking space shall be provided or be available for use, either at ground level or on or in an elevated structure, as the discretion of the Planning Commission may require for the convenience of persons using or working at the facility.

Hospital:

One (1) parking space for each one (1) bed, plus one (1) space for each resident doctor, plus adequate reserved space for visiting staff doctors, plus one (1) space for each employee on the highest two consecutive shifts.

Hotel:

One (1) space for each transient bedroom plus one (1) parking space for each two (2) employees; plus, one (1) parking space for each four hundred (400) square feet of area used for ball rooms, private meeting rooms, dining rooms and other similar places of assembly.

Industrial or manufacturing establishment or warehouse:

One (1) parking space for each employee on the highest two (2) consecutive shifts, plus one (1) parking space for every vehicle used in connection with the business.

Medical or dental clinic:

One (1) parking space for each two hundred (200) square feet of the total floor area of the building.

Manufactured home park:

Two (2) parking spaces for each manufactured home space plus one (1) space for each four (4) home spaces in common areas for visitor parking.

Mortuary or funeral parlor:

One (1) parking space for each twelve (12) square feet in the main chapel or parlor, plus one (1) parking space for each employee on the major shift, and one (1) parking space for each vehicle used in connection with the business.

Medical practitioner's office:

Not less than six (6) parking spaces for each practitioner occupying or using said office plus, one parking space for each employee.

Multiple-family dwelling:

For each apartment with no separate bedroom one (1) space; for each apartment with one (1) separate bedroom one and one-half (1-1/2) spaces; for each apartment with two (2) or more separate bedrooms - two (2) spaces. Not more than fifty per cent (50%) of the total area of the minimum required yards shall be occupied by parking spaces, drives, access roads to, from and between such spaces, turnarounds or other surfaces designed for vehicular use.

Nursing home:

One (1) parking space for each three (3) residents plus one (1) parking space for each employee on the highest two consecutive shifts.

Office building, professional building, or similar uses:

One (1) parking space for each four hundred (400) square feet of the sum of the gross areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of party walls, which area shall include cellars or basements but shall not include floor area used for off-street parking plus one (1) parking space for each employee.

For structures larger than ten thousand (10,000) square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining gross floor area:

10,001 to 20,000 sq. ft.	95% of parking Requirement
20,001 to 30,000 sq. ft.	90% of Parking Requirement
30,001 to 40,000 sq. ft.	85% of Parking Requirement
40,001 sq. ft. and up	80% of Parking Requirement

Professional office other than medical practitioner:

Two (2) spaces for each professional person occupying or using said office.

Recreational establishment, commercial, other than a theater, auditorium or stadium:

One (1) parking space for each eighty (80) square feet of floor area.

Restaurant or similar place dispensing food, drink or refreshments:

One (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment and one (1) parking space for each eighty (80) square feet of ground area devoted to patron use on the property outside the establishment.

Rooming house and boarding house:

One (1) parking space for each guest accommodation plus two (2) parking spaces for the operator.

Semi-detached or two-family dwelling:

Same as single-family dwelling

Single-family dwelling:

Two (2) parking spaces for each dwelling unit.

Swimming Pool:

One (1) parking space for every three (3) persons lawfully permitted in the pool at one time plus one (1) parking space for each employee.

Theater, auditorium, or stadium:

One (1) automobile parking space for each three (3) seats or similar vantage accommodations provided, plus one (1) space for each employee.

Townhouse:

Two (2) parking space for each townhouse.

Tourist home, cabin or motel:

One (1) space for each transient bedroom plus one (1) parking space for each two (2) employees; plus, one (1) parking space for each four hundred (400) square feet of area used for ball rooms, private meeting rooms, dining rooms and other similar places of assembly.

Trailer coach space or tourist cabin camp:

One (1) parking space for each trailer space, and one (1) parking space for each employee.

Maximum Parking Lot Size

Multi-family, commercial or industrial parking lots containing two hundred (200) or more parking spaces shall be divided into parking areas of not more than two hundred (200) cars each and shall be separated by landscaping, change of grades, buildings, or other natural or artificial means. Not less than five percent (5%) of the total parking area shall be devoted to such internal landscaping

and interior parking separation areas. In multi-family parking lots, the five percent (5%) requirement shall not be in addition to, but shall be computed as a part of any green area requirement.

Off-Street Loading Requirements

Off-street loading berths, open or enclosed, are permitted accessory to any use (except residential) subject to the following minimum provisions:

A. Uses for Which Required.

Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.

1. For a public library, community center, hospital or sanatorium, nursing or convalescent home, institution for children or the aged, or school with floor area of ten thousand (10,000) square feet, one (1) berth. For each additional twenty five thousand (25,000) square feet or fraction thereof, one (1) additional berth.
2. For buildings with professional, governmental, or business offices, or laboratory establishments, with a floor area of ten thousand (10,000) to twenty-five thousand (25,000) square feet, one (1) berth. For each additional twenty-five thousand (25,000) square feet or fraction thereof up to one hundred thousand (100,000) square feet, one (1) additional berth.
3. For buildings with offices and retail sales and service establishments, from eight thousand (8,000) to twenty-five thousand (25,000) square feet of floor area, one (1) berth. For each additional twenty-five thousand (25,000) square feet of floor area or fraction thereof, one (1) additional berth.
4. For undertakers and funeral homes, one (1) berth for each chapel. Such berths shall be at least ten (10) feet wide, twenty (20) feet long, and fourteen (14) feet high.
5. For hotels, motels and resorts, one (1) berth for each twenty-five thousand (25,000) square feet of floor area.
6. For manufacturing, wholesale and storage uses, and for dry cleaning and rug cleaning establishments and laundries, from five thousand (5,000) to ten thousand (10,000) square feet of floor area in such use, one (1) berth. For each additional twenty thousand (20,000) square feet of floor area or fraction thereof so used, one (1) additional berth.

B. Size of Spaces.

Each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high, except as noted above in A.4.

C. Location and Access.

Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lots as the use to which they are accessory, except as provided in the Section on Joint Facilities (below). No entrance or exit for any off-street parking area shall be located within fifty (50) feet of any street intersection. No off-street loading berth shall be located in any front yard or in front of the building line.

D. Joint Facilities.

Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

Screening, Traffic Control, Safety and Site Plan Requirements

All off-street parking areas with spaces for more than five vehicles shall be effectively screened on each side, which adjoins or faces a residential zone or institutional premises. Except, that such screening shall not be required where the parking area is already effectively screened from the residential zone or institutional premises by a natural terrain feature, railroad track on elevated ground, change in grade or other permanent natural or artificial screen or is separated therefrom by a road with a right-of-way width of one hundred and twenty feet (120) or more.

Such screening shall be a solid wall or a substantial opaque solid fence, not less than five (5) feet in height. In lieu of such fence, a compact evergreen hedge of not less than three (3) feet in height at time of original planting may be used. The fence, wall and/or hedge, or permanent natural or artificial screen shall be maintained in good condition and no advertising shall be placed thereon. The screening shall be designed and maintained so that safe vehicle sight distance shall not be affected at entrances, exits, or at street intersections. Where one off-street parking area adjoins or abuts another such parking area under different ownership or use, a landscaped planting strip not less than five (5) feet wide maintained in good condition may be used in lieu of the above required screening. The screening shall normally be located abutting the side, rear or front property line but may be located at the most appropriate place as approved by the Planning Commission between the perimeter of the parking area and the property line to provide the most effective shield for the adjoining or facing premises from car lights, noise and traffic movement.

Effective screening of parking lots contiguous or adjacent to any public road may be accomplished by depression in grade by three (3) feet or more by a berm, a hedge, or wall or any

type of appropriate natural or artificial permanent division.

Any screening barrier required shall be not less than three (3) feet high and intermittently should have trees or other similar features. Entrances and exits to public roads shall provide safe sight distances, free of any obstruction. It shall be mandatory that there be ample safe sight distances at the corner of intersecting public roads clear of any building or other artificial or natural obstructions.

Effective channelization and division of parking areas within the interior of the parking lot for pedestrian and vehicular traffic may be accomplished by use of landscaped areas with trees, walls, fences, other natural growth or artificial features, raised curbs, marked directional lanes and controls, change of grade or other devices to mark points of turn, to separate parking areas, and to control traffic movement. Traffic channelization and traffic controls will be approved by the Planning Commission with regard to ingress and egress to public roads and to safe movement of traffic on the parking lot.

14.04.11 Board of Zoning Adjustment

Creation and Appointment of Members

The Board of Zoning Adjustment by stipulation in this Regulation is hereby created in accordance with Act 186 of 1957, or as amended. The Board of Zoning Adjustment shall consist of city appointed members. The Planning Commission as a whole shall sit as the Board of Zoning Adjustment.

Officers

The Zoning Board of Adjustment shall meet to designate one of its members as chairman, select a vice-chairman, and select a secretary. The terms of office of the chairman and other members shall be as provided by the by-laws of the Zoning Board of Adjustment.

Meetings

The Board of Zoning Adjustment shall establish regular meeting dates providing for at least one regular meeting to be held in each calendar year.

By-Laws

The Board of Zoning Adjustment shall adopt by-laws for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions.

Public Meetings

Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on the agenda to be published in a newspaper of general

circulation in the city, at least one (1) time seven (7) days prior to the meeting.

Functions

The Board of Zoning Adjustment shall have the following functions:

- A. Hear appeals from the decisions of the Mayor (or his Code Enforcement Officer) in respect to the enforcement and application of the zoning regulation; and may affirm or reverse, in whole or in part, said decision of the Code Enforcement Officer.
- B. Hear requests for variances from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, or where unique mitigating circumstances exist in the immediate area, such as public or private open space or similar buffers, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulation. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the zoning regulation. The Board of Zoning Adjustment may impose conditions in granting of a variance to ensure compliance and to protect adjacent property. Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction.

Procedure for Appeals to the Board of Zoning Adjustment

Application and Public Hearing

Appeals may be taken to the Code Enforcement Officer by any person affected by a decision of the Mayor (or his designate) concerning the zoning regulations. All appeals shall be made in writing and filed with the Mayflower City Clerk, who will forward a copy to the Secretary of the Board of Zoning Adjustment, specifying the grounds for such appeal. The Board of Zoning Adjustment shall fix a reasonable time for a public hearing on the appeal. A public notice shall be published at the applicant's expense, at least once, not less than seven (7) days preceding the date of such hearing, in a newspaper of general circulation in Mayflower. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of the reason for the appeal.

The applicant for a variance, or any appeal, to the Board of Zoning Adjustment resulting in a public hearing shall procure signs announcing the variance or appeal from the city offices, city of Mayflower and shall display said signs in the manner prescribed. Signs shall be posted at least seven (7) days preceding the date of the public hearing for the variance or appeal.

The fee for any appeal to the Board of Zoning Adjustment shall be as set by the Mayflower City

Council, no part of which shall be refundable. Such fee will be paid to the Mayflower City Clerk with the written appeal.

14.04.12 Amendment

These regulations may be amended by changing the boundaries of the zoning districts or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

Application for Amendment

An application for amendment may be initiated by the City Council, the Planning Commission, or by one or more owners or lessees of land affected by a proposed amendment. Such application must be filed with the City Clerk seven (7) or more days prior to the date of the next regularly scheduled Planning Commission meeting. The City Clerk will set the date for a public hearing on the proposed amendment with the concurrence of the Chairman of the Planning Commission.

Procedure for Amendment

Upon filing an application for amendment with the City Clerk, these regulations may be amended by the following procedures:

- A. The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Mayflower. The notice shall be published at the applicant's expense and shall give the time and place of the proposed hearing and the proposed changes. The applicant shall notify owners of record of all lands which lie within three hundred (300) feet of the land for which the zoning change is requested by certified mail specifying the public hearing: (1) location, (2) time and date, and (3) the proposed change in zoning designation.

All return receipts and a copy of the letter shall be furnished to the Planning Commission in care of the City Clerk at least five (5) days prior to the public hearing.

- B. The applicant shall procure signs from the City Clerk, for the purpose of posting the property proposed for a change in zoning.
 - 1. The signs will be displayed on the property on a post not less than fifteen (15) days prior to the date of the public hearing.
 - 2. The sign shall be displayed to be prominent and in full view of the passing motorist and pedestrian.
 - 3. The signs shall be posted along the frontage abutting any street at an

interval of one hundred (100) feet.

4. Properties with less than two hundred (200) feet street frontage shall be posted with at least one sign along the frontage abutting each street.
 5. All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the final conclusion of the resolution of the request. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
 6. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three (3) days out of the required time may result in a postponement of the public hearing or withdrawal of the agenda item until such time full compliance with posting procedure is achieved.
- C. The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.
 - D. Following such vote, the Mayflower Planning Commission shall certify its recommendations to the Mayflower City Council at the next scheduled meeting of the Mayflower City Council.
 - E. The Mayflower City Council may return the proposed amendment to the Mayflower Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission.
 - F. If the Planning Commission disapproves the proposed amendment, the proponent may appeal to the Mayflower City Council, which shall review the action and may approve the proposed amendment only by not less than three-fourths vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one (1) copy to the Planning Commission, which will prepare and transmit a report to the applicant, stating why the proposed amendment was disapproved.
 - G. Should the proposal be adopted by the Mayflower City Council, the amendment ordinance shall be filed with the City Clerk and a copy sent to the Chairman of the Planning Commission.

The application fee for an amendment to these regulations shall be as set by the Mayflower City Council for each piece of property submitted in the application, none of which is refundable.

Resubmission of Application

No resubmission of a zoning amendment application will be allowed within twelve (12) months after the date of action by the Mayflower Planning Commission or City Council, unless the Mayflower Planning Commission or City Council waives this limitation for good cause.

14.04.13 Enforcement and penalty for violation

Zoning Enforcement

The provisions of these regulations shall be administered by the city of Mayflower, as directed by the Mayor. The city of Mayflower or any property owner may request an injunction against any property owner or property holder in violation of these regulations, or may mandate any official to enforce the provisions thereof.

Penalty for Violation

Violation of any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, corporation, or firm will be subject to penalties provided by law. Each day a violation exists shall be deemed as a separate offense.

Certificate of Occupancy Required

No new structure or addition to an existing structure shall be occupied and no permitted or conditional use of a building shall be changed unless a Certificate of Occupancy is issued therefore by the city of Mayflower. Conditional uses that are changed to another conditional use must go through the "conditional use review process" before a Certificate of Occupancy can be issued.

Procedure

A. Application

A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit.

B. Action on Application

The city of Mayflower, as directed by the Mayor, shall inspect the property which is the subject of an application upon completion of the building or structure, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the city of Mayflower. If the premises do not so comply, the city of Mayflower, as

directed by the Mayor, shall deny the application in a written notice mailed to the applicant within five (5) days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure or development does not comply.

C. Contents of Certificates of Occupancy

Information required for submission to obtain a Certificate of Occupancy shall include:

- I. 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. If a site plan or other conditional approval for the structure or the development of which such structure is a part was required, a copy of any document granting such approval and any plans approved in connection therewith.
6. Such other information as requested by the city of Mayflower, as directed by the Mayor, to insure conformance with applicable development regulations.

D. Temporary Certificates of Occupancy

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city of Mayflower relating to the use or occupancy of any other matter required by this section.

14.04.14 Validity

Validity

Should any section, subsection, paragraph, clause or provision of these regulations be declared by a court of the competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared invalid.

14.04.15 Interpretation

The provisions of this regulation shall be held to be minimum requirements to meet the purpose expressed in Section 14.04.01, Purpose. Where the provisions of this regulation impose greater restrictions than those of any other ordinance or regulation, the provisions of this regulation shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this regulation, the provision of such other ordinance or local regulation shall prevail. When referring to this regulation, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

- A. The particular shall control the general.
- B. The text of this regulation provides for zoning districts which may not exist on the zoning map. In no case should these zones be construed to exist until such time the zoning map is amended by ordinance to include such zones.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future and words used in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "permitted" or words "permitted by right" means permitted without meeting the requirements for a conditional use permit.
- F. The words "permitted by conditional use" means permitted subject to the requirements for a conditional use pursuant to Conditional Use Review of this Regulation.
- G. The words "building" and "structure" are synonymous and include any part thereof.
- H. The word "person" includes individuals, firms, corporation, associations and any other similar entities.
- I. The words "parcel" and "tract" are synonymous and may be used interchangeably.
- J. The word "City" means the area of jurisdiction of the city of Mayflower, Arkansas.
- K. All public officials, bodies and agencies to which reference is made are those of the city of Mayflower, Arkansas.

- L. All yards required by this ordinance shall be open and unobstructed by structures from the lowest level of the lot to the sky, except as specifically regulated herein.

14.04.16 Definitions

Words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the Planning Commission shall have the right to interpret the definition of the word.

Definition of Terms

Abutting: Having property or district lines in common. Since zoning district lines fall to the center line of a street, alley or waterway, and for purposes of notifying abutting property owners in the case of a proposed zoning change, lots which appear physically separated abut at said street center line.

Access: The way or means by which a piece of property is approached or entered.

Accessory Building or Use: A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

Alley: A permanent public service way which affords only a secondary means of access to abutting property.

Apartment: See Dwelling, Multiple.

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Automobile Filling Station: A facility primarily for the retail sale of fuels for automobiles and light trucks. Accessory sales of convenience items may be included; however, installation of auto parts, accessories or repairs is prohibited. A coin operated car wash is an acceptable accessory use.

Automobile Service Center: A center may include the activities of an automobile filling station, and in addition may include the sale and/or installation of tires, brakes, mufflers, tune-ups, oil change, lubrication or any combination of the above. Major repair or body work is prohibited. In addition, outdoor storage of customer vehicles is permitted only during normal business hours of the service center.

Basement: That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building sits.

Buffer: A strip of land established to protect one type land use from another with which it is compatible. A buffer strip is landscaped and kept in open space. The term buffer zone may be used more broadly to describe any zone that separates two unlike zones such as a multi-family zone between a single-family zone or a commercial zone.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.

Building: See Structure

Building, attached: A building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Building, detached: A building having no wall, roof, floor, or other structural element in common with another building.

Building, Facade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building, Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

Building Line: A line, usually fixed parallel to a lot line, beyond which a building cannot extend into the front yard under the terms of the

Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in this ordinance applicable to the district in which this building is located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

City: The city of Mayflower, Arkansas.

City Clerk: An appointed position which has responsibility for official correspondence with the municipal government.

City Recorder: An appointed position which has full responsibility for all records of the City.

City Council: The City Council of the city of Mayflower.

Commission: The Mayflower Planning Commission.

Conditional Use: Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission.

Comer Lot: A lot located at the intersection of two streets.

District: See Zoning District.

Dwelling, attached: Adjoining dwelling units, each of which is separated from the others by one or more unpierced common wall extending from ground to roof

Dwelling, Multiple Family: Attached dwellings designed for or occupied by more than three families.

Dwelling, Single-Family Detached: A free standing dwelling designed for and occupied by not more than one family.

The following types of structures may be construed to be Dwellings, Single-Family Detached:

- A. Manufactured Home (see definition)
- B. Prefabricated Home (see definition)
- C. Stick-built, Conventional Home (see definition)

Dwelling, Two Family: (Duplex) A building designed for and occupied by not more than two families in separate dwelling units, living independent of each other.

Dwelling, Three Family: (Tri-plex) A building designed to be occupied by not more than three families in separate dwelling units, living independent of each other.

Dwelling, Four Family: (Four-plex) A building designed to be occupied by not more than four families in separate dwelling units, living independent of each other.

Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping,

cooking, eating and sanitation by one family.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.

Eaves: The weather protective overhanging lower edge of a roof.

Enforcement Officer: A person employed by the city of Mayflower designated by the Mayor to review site plans, interpret the zoning map, issue building permits, issue certificates of occupancy, perform zoning and building related inspections, and other duties as may be specified by the Mayor of Mayflower.

Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit, or (c) a group of not more than eight unrelated mentally retarded or physically handicapped persons which may include two additional persons, acting as house parents or guardians who need not be related to each other, or to any of the mentally retarded or physically handicapped persons in the group.

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

Filing Fee: Payment in legal tender to the City Clerk at the time of application for approval by the Mayflower Planning Commission or the City Council.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Garden Apartments: The combination of row houses or townhouse with walk-up flats. The name and definition imply low land coverage and ample open space between buildings.

Loading Space (Off-Street): An unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish one building site and comply with the Subdivision Rules and Regulations in effect for the City of Mayflower, Arkansas.

Lot Area: The total horizontal area included within legally defined lines enclosing the lot.

Lot Coverage: The percentage of lot area occupied by the principal and accessory buildings on such lot.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage: A lot having frontage on two nonintersecting streets.

Lot, Interior: A lot other than a comer lot.

Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street; in the case of a double frontage lot or a comer lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot Line, Side: A lot line other than a front or rear lot line.

Lot Lines: The property boundary lines.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the Faulkner County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.

Manufactured Home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for

legal definition).

Mayor of Mayflower: The chief executive position of the city, responsible for all aspects of City Government. When referred to in this document shall mean Mayor of Mayflower or his/her designated representative.

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, as amended, which does not comply with all the regulations of this ordinance governing use for the zoning district in which such land, building or structure is located.

Opaque: As applies to a fence or screen, required in this ordinance, means a fence or screen that blocks the vision of a person standing on the ground or makes things, on the opposite side of the fence or screen from the viewer, indiscernible.

Open Space: That portion of the landscape which has not been built over and which is sought to be reserved in its natural state or for agricultural or outdoor recreation use. This definition does not include parking lots, cemeteries, storage yards, dumps, depots, or fire safety zones.

Parking Lot: Any area subject to vehicular traffic including access areas used for parking, except for single-family or two-family development.

Parking Space, Off-Street: A space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space. Said space shall meet all dimension and angle criteria in the Off-Street Parking and Loading Section of this Regulation.

Plan: A fully dimensioned drawing which illustrates in detail all elements of a development proposal included, but not limited to, property lines, streets, easements, structural elements and landscaping. A plan may be prepared by a registered land surveyor, architect or engineer appropriately certified.

Plan, Preliminary: A fully dimensioned drawing which illustrates in detail all elements

of a development proposal including, but not limited to, property lines, streets, easements, structural elements and landscaping. A preliminary plan may be prepared by a registered land surveyor, architect or engineer. A preliminary plan further includes all development phase lines providing construction stages, topography, drainage and other natural land features.

Plan, Final: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements, landscaping. A final plan may be prepared by a registered land surveyor, architect or engineer. A final plan further contains proper certification for accuracy and deletes natural land features. Natural land features and elements illustrated on a preliminary plat are replaced in the final plan by structural elements such as walls, ditches, and other drainage facilities intended to alter land forms.

Planning Commission: The city of Mayflower Planning Commission.

Plat: A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including but not limited to property lines, streets, easements, drainage facilities, utilities, legal notation and the like. The plat is suitable for filing for record with the Circuit Clerk of Faulkner County.

Plot-plan: A map, drawn to scale, showing the dimensions of the lot or parcel, external building dimensions, its location and orientation on the lot or parcel, the use of the building and grounds, vehicular and pedestrian access, any easements or right-of-ways, and any other information necessary to ensure proper compliance with land use regulations or other regulations as may be applicable.

Pre-fabricated Home: A detached single-family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, at a site other than the site intended for occupancy and transported to the final site for occupancy. The dwelling shall have the following characteristics: (a) meet or exceed the building codes of the city of Mayflower; (b) shall require the construction of a foundation or footings at the final site; and (c) the component parts are erected at the site intended for occupancy to complete the dwelling.

Principal Use: The use which fulfills the primary function of an establishment, institute, household, or other entity.

Reclassification: An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include: a. Such transient accommodations as a transient hotels, motels, tourist homes, or similar establishments; or b. Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations; or c. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions

of buildings used for community facility uses.

Retirement Center: A multi-family development intended for the primary use of retired persons and not open for rental or sale (in the case of a condominium arrangement) to the general public.

Right-of-Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the city of Mayflower, Faulkner County or the State of Arkansas for public use.

Satellite Receiving Antenna: A dish-shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

Set-Back: The required minimum distance between the building line and the related front, side, or rear property line. This is the area in which a building shall not exceed.

Site Plan Review: The process whereby the Planning Commission reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this ordinance.

Stick-built, Conventional Home: A detached single-family dwelling that is principally constructed at the site intended for occupancy from lumber and appropriate various materials that predominantly are not pre-assembled. The dwelling shall have the following characteristics: (a) meet or exceed the building codes of the city; and (b) shall require the construction of a foundation or footings at the site for occupancy.

Storm Cellar: An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster. Generally, storm cellars are made of concrete and situated mostly or wholly below the surface of the ground.

Structural Alteration: Any external change in either the supporting members of a building, such as: a bearing wall, column, beam or girder; or in the dimension or configuration of the roof or other exterior wall.

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks.

Town House: A row of houses (up to six) connected by common side walls. A single dwelling unit may be one or two stories.

Use: A purpose to which land is committed.

Variance: An exception from the strict application of the provisions of this ordinance.

Yard, Front: The required area of open space extending across the full width of the lot, depth of which shall be the least distance between the front lot line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

Zoning District Map: A map maintained by the city of Mayflower, illustrating the areas of the city assigned a zoning district and such extraterritorial zones as might be permitted by state statutes.

14.04.17 Mayflower, Arkansas Land Use Plan That Ord. 99-3, adopting the Mayflower Land Use Plan and Mayflower Master Street Plan having been readopted to affirm as adopted by Resolution of the City Council on November 25, 1995, is hereby amended to replace the original land use plan element of Ord. 96-3 with the land use plan (text and map) recommended by the planning commission containing the following headings:

INTENT OF THE PLAN; STATUTORY AUTHORITY FOR PLANNING; LAND USE SUMMARY; GENERALIZED LAND USE CATEGORY DESCRIPTIONS, DETAILED CATEGORY DESCRIPTIONS and the LAND USE PLAN map. (Ord. No. 99-3, Sec. 1.)

14.04.18 Heart of Mayflower Zoning District The Heart of Mayflower Zoning District which was approved following notice as required by law, subject to Arkansas Code Section 14-55-207 (adoption of technical codes by reference) and three (3) copies of the proposed plan have been and now are filed in the office of the City Clerk of the City of Mayflower, Arkansas. (Ord. No. 2015-05, Sec. 1)

The character zones, legally described as follows: shall be regulated by the Heart of Mayflower Zoning District and shown on the Mayflower Zoning Map as new Zoning Districts.

(A) Mixed Use Center Zone

The boundaries of the Mixed-Use Center Zone Area 1 are described as:

Commencing at the intersection of the north line of Section 20, Township 4 North, Range 13 West and the east line of the Union Pacific Railroad right of way, thence westerly along the north line of Section 20, Township 4 North, Range 13 West to the northeast corner of Section 19, Township 4 North, Range 13 West, thence westerly along the north line of said section 19 to the northwest corner of the northeast quarter of Section 19, thence south along the west line of the northeast quarter of Section 19 to the southwest corner of the northeast quarter of Section 19, thence south along the west line of the southeast quarter of Section 19 to the south line of the north half of the Southeast quarter of Section 19, thence easterly along the south line of the north half of the southeast quarter of Section 19 to the east right of way line of the Union Pacific railroad, thence northerly along the east right of way line of the Union Pacific Railroad to the point of beginning.

The boundaries of the Mixed-Use Center Zone Area 2 are described as:

Commencing at the intersection of the north line of the southeast quarter of the southeast quarter of Section 19, Township 4 North, Range 13 West and the east right of way line of the Union Pacific railroad, thence east to a point 330 feet west of the centerline of Highway 365 and the point of beginning, thence south $1^{\circ} 55' 10''$ west 490 feet, thence south $89^{\circ} 15' 14''$ east 100 feet, thence south $3^{\circ} 17' 8''$ west 1482 feet, thence north $88^{\circ} 35' 2''$ west 244 feet, thence north $89^{\circ} 15' 13''$ west 92 feet, thence south $1^{\circ} 40' 23''$ west 677 feet to the centerline of Highway 89, thence easterly along the centerline of Highway 89 to a point north of the centerline of Locust Avenue, thence south to the centerline of Locust Avenue, thence southerly along the centerline of Locust Avenue to the intersection of said centerline and the centerline of Poplar Street, thence west along the centerline of Poplar 63' feet, thence south $2^{\circ} 52' 33''$ west 634 feet, thence north $87^{\circ} 23' 13''$ west 139 feet, thence south $10^{\circ} 33' 33''$ west 705 feet thence south $86^{\circ} 23' 45''$ west 406 feet to the centerline of Wheeler Avenue, thence south along the centerline of Wheeler Ave to the intersection of the centerline of Wheeler Ave and the centerline of Grady Lane, thence southeast 308' along the centerline of Gandy Ln, thence south $10^{\circ} 31' 27''$ west 1489 feet to the south city limit line of Mayflower, thence west along the south city

limit line of Mayflower said line also being the south line of Section 30, Township 4 North, Range 13 West to the intersection of the south line of said Section 30 and the east right of way line of the Union Pacific railroad, thence northeasterly along the east right of way line of the Union Pacific railroad to the south line of the northeast quarter of Section 30, thence easterly along the south line of the northeast quarter of Section 30, to the intersection of the south line of the northeast quarter of Section 30 and the centerline of Wheeler Street, thence northerly along the centerline of Wheeler Street to the intersection of the centerline of Wheeler Street and the centerline of Franklin T. Booher, thence north along the centerline of Franklin T. Booher to the intersection of the centerline of Franklin T. Booher and the centerline of State Highway 89, thence north 437 feet to the centerline of Mitchell Street, thence north $13^{\circ} 29' 16''$ east 707 feet, thence north $20^{\circ} 25' 25''$ east 180 feet, north $8^{\circ} 22' 33''$ east for 1361 feet to the north line of the southeast quarter of the southeast quarter Section 19, Township 4 North, Range 13 West, thence east along the north line of the south east quarter of the south east quarter Section 19 200 feet to the point of beginning.

(B) Creekside Transition Zone

Commencing at the intersection of the south line of the northeast quarter of Section 30, Township 4 North, Range 13 West, and the east right of way line of the Union Pacific Railroad, thence easterly along the south line of the northeast quarter of Section 30, to the intersection of the south line of the northeast quarter of Section 30 and the centerline of Wheeler Street, thence northerly along the centerline of Wheeler Street to the intersection of the centerline of Wheeler Street and the centerline of Franklin T. Booher, thence north along the centerline of Franklin T. Booher to the intersection of the centerline of Franklin T. Booher and the centerline of State Highway 89, thence north 437 feet to the centerline of Mitchell Street, thence north $13^{\circ} 29' 16''$ east 707 feet, thence north $20^{\circ} 25' 25''$ east 180 feet, north $8^{\circ} 22' 33''$ east for 1361 feet to the north line of the southeast quarter of the southeast quarter Section 19, Township 4 North, Range 13, thence west along the north line of the southeast quarter of the southeast quarter Section 19 to the east right of way line of the Union Pacific railroad, thence southerly along the east right of way line of the Union Pacific railroad to the point of beginning.

(C) Highway Zone

Commencing at the intersection of the centerline of the interstate 40 right of way line and Mayflower's city limit line in Section 29, Township 4 North, Range 13 West, thence northerly and along the centerline of the Interstate 40 right of way line to the intersection of said right of way line and the north line of Section 17, Township 4 North, Range 13 West, thence west along the north line of section 17, Township 4 North, Range 13 West to the intersection of said north line and the east right of way line of the Union Pacific railroad, thence south along the east right of way line of the Union Pacific railroad to the north line of the southeast quarter of the southeast quarter of Section 19, Township 4

North, Range 13 West, thence easterly along the north line of the southeast quarter of the southeast quarter of Section 19, Township 4 North, Range 13 West to a point 330 feet west of the centerline of Highway 365, thence south $1^{\circ} 55' 10''$ west 490 feet, thence south $89^{\circ} 15' 14''$ east 100 feet, thence south $3^{\circ} 17' 8''$ west 1482 feet, thence north $88^{\circ} 35' 2''$ west 244 feet, thence north $89^{\circ} 15' 13''$ west 92 feet, thence south $1^{\circ} 40' 23''$ west 677 feet to the centerline of Highway 89, thence easterly along the centerline of Highway 89 to a point north of the centerline of Locust Avenue, thence south to the centerline of Locust Avenue, thence southerly along the centerline of Locust Avenue to the intersection of said centerline and the centerline of Poplar Street, thence west along the centerline of Poplar 63' feet, thence south $2^{\circ} 52' 33''$ west 634 feet, thence north $87^{\circ} 23' 13''$ west 139 feet, thence south $10^{\circ} 33' 33''$ west 705 feet. thence south $86^{\circ} 23' 45''$ west 406 feet to the centerline of Wheeler Avenue, thence south along the centerline of Wheeler Ave to the intersection of the centerline of Wheeler Ave and the centerline of Grady Lane, thence southeast 308' along the centerline of Gandy Ln, thence south $10^{\circ} 31' 27''$ west 1489 feet to the south city limit line of Mayflower, thence east and along the Mayflower city limit line to the point of beginning.

(D) Interstate Drive Zone

Commencing at the intersection of the centerline of the Interstate 40 right of way and Mayflower's city limit line in Section 29, Township 4 North Range 13 West, thence northerly and along the centerline of the Interstate 40 right of way to the intersection of said center line and the north line of Section 20, Township 4 North, Range 13 West. Thence east along the north line of Section 20, to its intersection with the shoreline of Lake Conway at normal pool elevation, thence southerly and along the shoreline of Lake Conway to the west line of the east half of Section 20, Township 4 North, Range 13 West said line also being the west line of lot 1 of the D J Mueller Subdivision, thence south along the west line of east half of section 20 to a point on the west line of the DJ Mueller Subdivision that is approximately 1508' north of the south line of Section 20, Township 4 North, Range 13 West, thence south $86^{\circ} 58' 11''$ west 1290', thence south $2^{\circ} 7' 49''$ West 652 feet, thence south $0^{\circ} 16' 26''$ west 804 feet to a point on the Mayflower city, limit line, thence south and along the Mayflower city limit line to the, intersection of the city *limit* line and the center line of Interstate 40 right of way and the point of beginning. (Ord. No. 2015-05, Sec. 2)

CHAPTER 14.08**ANNEXING, VACATING AND REZONING PROPERTY****Sections:**

14.08.01	Annexing
14.08.02	Vacating
14.08.03	Rezoning

14.08.01 Annexing

Ord. No. 56	Sec 8, 9, 16, 17, 19, 20, 21, Twp 4 N, Range 13 West
Ord. No. 78	S ½ of NE ¼ of Sec 25, Twp 4 N, Range 14 West
Ord. No. 96-13	Part of Sec 6, Twp 3 N, Range 13 West Part of Sec 7, Twp 3 N, Range 13 West Part of Sec 12, Twp 3 N, Range 14 West Part of Sec 1, Twp 3 N., Range 14 West Part of Sec 2, Twp 3 N., Range 14 West Part of Sec 8, Twp 4 N., Range 13 West Part of Sec 9, Twp 4 N., Range 13 West Part of Sec 4, Twp 4 N., Range 13 West

14.08.02 Vacating

Ord. No. 94-4	Meadowlark Point pertaining to Lot C & D
Ord. No. 95-2	Alley in Block 4 of Hayes Addition East of Hwy 365
Ord. No. 41	NW comer of Lot 7, Block 1 of Potts Subdivision
Ord. No. 96-20	Easement in the plat of Happy Landing Addition

14.08.03 Rezoning

Ord. No. 2000-04	From R-ISB to R-IMH	W ½ SW ¼, Section 17, T-4-N, R-13-W
Ord. No. 2006-1	From R-1 SB to R-2	N ½ of Block 7, Worrell's Plan
Ord. No. 2006-4	From C-3 to I	Part of NE¼ of Sec. 30, Twp 4 N, Range 13
Ord. No. 2006-5	From R-1 to C-3	Part of NE¼ of Sec. 30, Twp 4 N, Range 13
Ord. No. 2007-2	From RISB to R-2	Intersection at Sec. 30, Twp 4 N, Range W
	From R-ISB to I	NE of Sec. 30, Twp 4 N, Range 13 West
	From RISB to C-3	Point 300' west of Hwy 365 to Poplar
	From RISB to C-2	3.49 acres along center line of Poplar
	From RISB to C-2	1.39 acres north along center line of Hwy 89
	From C-1 to C-2	Intersection of Hwy 89 and Wheeler Ave.

Ord. No. 2007-8	From RIMH to RISB	Lots 4 - 7, 17, - 21 of Crafton Subdivision
Ord. No. 2008-2	From RISB to C-3	Intersection of N. Railroad & Hwy 89 north
Ord. No. 2011-3	From R-2 to C-2	Part of Block 6, R.F. Hayes Addition
Ord. No. 2014-02	From R-LSB to C-3	Part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, T-4-N, R-13-W
Ord. No. 2014-06	to RISB	Adjacent to Hwy 89 North- 266.97 Acres more or less- SE Corner of SW $\frac{1}{4}$ of Sec. 25, T-4-N, R-14-W
	to RIMH	Adjacent to Hwy 89 North- 102.15 Acres more or less- SE Corner of Sec. 25, T-4-N, R-14-W
Ord. No. 2019-06	From Hwy. to C-2	Part of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T-4-N, R-13-W