

CHAPTER II

DEFINITIONS

SECTION 1. Definitions.

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

1. The word shall is mandatory, the word may is permissive.
2. The words used or occupied shall include the words intended, designed, or arranged to be used or occupied.
3. The word lot includes the words plot and parcel.
4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

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

1. Accessory Structure. A subordinate structure located on the lot with the principal structure, Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be the educational buildings of a church, with the sanctuary being the principal structure.
2. Accessory Use. A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family workshop not conducted for compensation shall be deemed an accessory use.
3. Alley. A narrow public way not in excess of 20 foot which affords a secondary means of access to abutting properties and not intended for general traffic circulation.
4. Area. This term refers to the amount of land surface in a lot or parcel.
5. Area Requirements. The yard, lot area, width of lot, and parking requirements as set forth in a specific district.
6. Building official. A person appointed by the City Council to administer and enforce these regulations.

7. Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels, rooming houses, or manufactured homes.
8. Dwelling, Single Family. A detached structure designed for or occupied by one family only.
9. Dwelling, Two Family. A structure designed for or occupied by two families, with separate housekeeping and cooking facilities for each.
10. Dwelling, Multi-Family. A structure designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
11. Existing. The established fact of the use of land or structures at time of effective date of these regulations.
12. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.
13. Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off street parking or loading space. For the purpose of Residential use All structures will have a minimum of 960 square feet of floor area.
14. Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than on unlighted identification sign of no more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.
When within the above requirements, a home occupation includes, but is not limited to, the following: (a) Art studio; (b) Dressmaking; (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) Teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include restaurants.

15. Lot. A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to same.
16. Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
17. Manufactured home A dwelling unit designed to be transported after fabrication on its own wheels or on a flat-bed or other trailer and which arrives at the site where it is to be occupied as a complete dwelling unit, including major appliances and furniture, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.
18. Manufactured home Park (commercial). A commercial operation where space for Manufactured homes is provided by the day, week or longer periods of time.
19. Non-conforming. A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.
20. Open Space. Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structure or portion of structures whatever.
21. Parking Space. See specific zoning.
22. Principal Use. The chief or main recognized use of a structure, of lot, or of land.
23. Property Line. The line bounding a lot as described herein.
24. Street. A public way which affords the principal means of access to abutting properties.

25. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, and poster panels, but do not include walks, parking areas and drives. —
26. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside the structure, then the use of land shall be classified according to the nature of its use.
27. Yard. A horizontal distance from a lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.
28. Under Construction. A building may be constructed without being bound by the requirements of these regulations if the foundation was completed before the adoption or amendment of these regulations, and if the construction is completed within one (1) year after the adoption or amendment.

CHAPTER III

USE ZONES

The City of Gassville is divided into the following Use Zones as indicated on the Zoning Map which is a part of these regulations.

Agriculture Use Zone

The Agriculture use zones are intended to preserve Arkansas lands and its culture for future generations, and insuring land uses are appropriate to the surrounding zones.

- A-1 Production of crops
- A-2 Animal Husbandry

Residential Use Zone

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

- R-1 Residential (low density)
- R-2 Residential (low-medium density)
- R-3 Residential (Manufactured home Park)

Commercial Use Zone

The commercial use zones are intended for the conduct of business and provision of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or danger to the community.

- C-1 Central Business District
- C-2 Highway Commercial
- C-3 Quiet Retail Service

Industrial Use Zone

Industrial use zone is intended for general manufacturing and industrial activities, and for the bulk storage of goods.

I - 1 Industrial

The boundaries of these districts are shown on the Zoning Map which accompanies and is made a part of these regulations. The original of this map is properly attested and on file with the City Clerk, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply.

- a) Boundaries indicated as approximately following the center lines of streets, highways and alleys shall be construed as following such center lines.
- b) Boundaries indicated approximately following platted lot line shall be construed as following such lot lines.
- c) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- d) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- e) In circumstances not covered by the rules, the Board of Adjustment shall interpret the district boundaries.

SECTION 1. Agriculture A-1.

These Agriculture use zones are intended and consist of establishments (farms, orchards, greenhouses, nurseries, etc.) primarily engaged in the production of crops, plants, vines and trees. Also included are crop preparation services which are primarily engaged in performing a variety of operations on crops subsequent to their harvest, with the intent of preparing them for market or further manufacture. Not included are any types of animal husbandry as detailed in A-2 Agriculture, Animal husbandry.

A. Permitted Uses.

1. Cemetery, Mausoleum.
2. Crematorium
3. Farm: Crop, and Truck
4. Landscape, Horticulture and Plant Nursery
5. Sorting and packing of fruit and vegetables

B. Area Requirements.

1. Minimum lot area:
 - 2 Acres
2. Front yard:
 - a. Minimum of 30 feet.
On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.
3. Side yard minimum
 - a. Side yard (each): Minimum 15 feet from each property line.
 - b. Side yard street: Minimum 30 feet side street lot line.
4. Rear yard:
 - a. Minimum 20 feet from rear lot line, or center of alley if one exist
5. Height
 - a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet. This requirement does not apply to silos or non-commercial grain elevators.
6. Loading and Unloading.
 - a. Loading and unloading facilities shall be provided as not to block any public way.

SECTION 2.. Agricultural A-2 (Animal Husbandry)

This zone consists of establishments (farms, ranches, dairies, and non-commercial egg production facilities, broiler facilities, poultry hatcheries) primarily engaged in the keeping, grazing, of feeding of livestock for the sale of livestock or livestock products. Also included are veterinary and other animal services. Recreational uses include riding stables, and rodeo grounds. These uses are ordinarily objectionable to other uses and require, therefore, a buffer strip when abutting any C or R district.

A. Prohibited uses.

1. There shall be no distribution of untreated animal waste by any person(s) upon open ground within 1320 feet of any structure other than structures located on the property owners own property.

B. Permitted uses.

1. Animal and non-commercial poultry raising.
2. Animal hospitals.
3. Farm: show, breeding, raising and training of animals.
4. Riding stable.
5. Rodeo ground.
6. Veterinarians' treatment area.

C. Area Requirements.

1. Minimum lot size:

- a. abutting R - zones 10 Acres
- b. abutting other zones 5 Acre

2. Front yard: minimum of 30 feet. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.

3. Side yard minimum

- a. Side yard (each): Minimum 15 feet from each property line.
- b. Side yard street: Minimum 30 feet side street lot line.

4. Rear yard:

- a. Minimum 20 feet from rear lot line, or center of alley if one exist

5. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet. This requirement does not apply to silos or non-commercial grain elevators.

6. Loading and Unloading

- a. Loading and unloading facilities shall be provided so as not to block any public way.

SECTION 3. Residential R-1 (low density)

This zone is intended primarily for low density residential neighborhoods characterized by conventional type, single-family residential dwellings with a suitable lot area.

A. Permitted Uses.

- 1. Residential structures (single family) minimum 960 square feet.
- 2. Municipal parks.
- 3. Accessory structures or uses incidental to the permitted principal use.
- 4. Home occupations, as defined.

B. Area Requirements, Residential.

- 1. Minimum lot area:
 - a. Single Family9,000 square feet.
- 2. Minimum lot width: (at front yard building line)
 - a. Single Family85 feet
- 3. Front yard: minimum of 30 feet. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.
- 4. Side yard minimum
 - a. Side yard (each): Minimum 15 feet from each property line.
 - b. Side yard street: Minimum 30 feet side street lot line.

5. Rear yard:
 - a. Minimum 20 feet from rear lot line, or center of alley if one exist.
6. Off-street parking
 - a. Single Family: Exclusive of any garage, carport or parking structure, parking space(s) 20 feet x 20 feet shall be provided on the lot to accommodate two (2) vehicle(s) parked abreast (side by side), and the surface of said parking space(s) shall be of crushed limestone, concrete or bituminous surface.

C. Area Requirements, Place of Public Assembly.

1. Height
 - a. Maximum height shall be two and one-half stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.
2. Yard requirements
 - a. Minimum of 30 feet from all property lines.
3. On-lot parking
 - a. Places of public assembly shall provide one on-lot parking space to accommodate one motor vehicle for each four persons accommodated in the assembly hall. The surface of said parking space(s) shall be of crushed limestone, concrete or bituminous surface.
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - d. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
 - e. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

SECTION 4: Residential R - 2

This zone is intended primarily for low-moderate residential neighborhoods characterized by single family and, or multi-family residential dwellings containing a suitable lot area.

A. Permitted Uses.

1. Residential structures with a minimum of 960 square feet of living space.
2. New Manufactured homes. Sixty (60%) percent of the residential structure shall have a minimum width of twenty-four (24') feet. Width measurements shall not take into account overhangs or other projections. Such width requirement shall be in addition to the minimum area per dwelling requirement.

(If a single wide manufactured home is in place and is the primary residence of the property owner, such manufactured home may be replaced by a New single wide manufactured home of the same or greater dimensions. Such replacement shall be made within 6 months of the date the existing structure was vacated or destroyed. The purpose of such replacement is intended solely for the continuing occupation of the original owner.)

All Manufactured Homes shall be underpinned and secured as per the City of Gassville, and Arkansas State Codes.

3. Public schools, parks, churches and religious educational buildings.
4. Municipal recreational uses and public utilities structures.
5. Accessory structures or uses incidental to the permitted principal use.
6. Home occupations, as defined.

B. Area Requirements, Residential.

1. Minimum lot area:
 - a. Single - family9,000 square feet
 - b. Two-family and multi-familyadditional 2,250 square feet for each additional family unit per lot.
2. Minimum lot width: (at front yard building line)
 - a. Single-family85) feet
 - b. For each additional dwelling unit an additional 15 feet shall be added to the minimum width requirement.
3. Front yard: minimum of 30 feet. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.



4. Side Yard Minimum
 - a. Side Yard (each): Minimum 15 feet from each property line.
 - b. Side Yard Street: Minimum 30 feet from side street lot line.
5. Rear Yard: Minimum 20 feet from rear lot line or center of alley if one exist.
6. Off-street parking
 - a. Single-family and two-family dwellings: Parking space shall be provided on the lot to accommodate two motor vehicle(s) parked abreast (side by side) for each family unit.
 - b. Multi-family dwellings: Four on-lot parking spaces shall be provided for the first two families, plus one on-lot parking space for each additional family unit.
 - c. Parking shall be exclusive of garages, carports or other parking structures. The surface of the parking spaces shall be constructed of crushed limestone, concrete or bituminous material.

C. Area Requirements, Place of Public Assembly

1. Height
 - a. Maximum height shall be two and one-half stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.
2. Yard Requirements
 - a. Minimum of 30 feet from all property lines.
3. On-lot parking
 - a. Places of public assembly shall provide one on-lot parking space to accommodate one motor vehicle for each four persons accommodated in the assembly hall. Parking shall be exclusive of garages, carports or other parking structures. The surface of the parking spaces shall be constructed of crushed limestone, concrete or bituminous material.

SECTION 5: Residential R - 3 Manufactured home parks

Manufactured home parks shall meet the following requirements.

- a. Provide a minimum of 5,000 square feet for each Manufactured Home (exclusive of motor vehicle parking space).
- b. Provide for parking for each lot so as not to block any thoroughfare allowing for a minimum of 12 feet of unobstructed roadway exclusive of parked motor vehicles.
- c. Have an internal circulation system of not less than 20 feet in right-of-way to provide access to a public street.
- d. Each manufactured home lot shall have public water, sanitary sewer, and electric power.
- e. All Manufactured Homes shall be underpinned and secured as per the City of Gassville, and Arkansas State Codes.
- f. In this district, Travel Trailers, Motorhomes, and other types of recreational vehicles are excluded from these provisions if the intended stay is for less than a 6 month period.

SECTION 6. Commercial

The commercial zones are intended for those businesses which provide (1) convenient shopping and services for Gassville and adjacent areas, and (2) services for highway traffic. In Zones C-1, C-2, C-3, no structure may be constructed or altered for residential use except, Motels, Hotels, Motor Hotels, and Camp Grounds, except by variance from the Gassville City Council.

A. Central Business District C-1

1. Permitted Uses

- a. Retail establishments providing goods and services.
- b. Professional offices, banks, and related uses.
- c. Hotels and motor hotels.
- d. Governmental and administrative offices.
- e. Commercial recreation.

2. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet.

3. Yard Requirements

- a. Front yard - a minimum of 30 feet from all street right-of-ways.
- b. Rear yard - a minimum of 15 feet from the property line, or from the center of the alley if one exists. When two commercial use properties join each other, zero side yard setback may be used.

4. Loading and Unloading

- a. Loading and unloading facilities shall be provided so as not to block any public way.

B1 Highway Commercial C-2

a Permitted Uses

- a1 Retail establishments providing goods and services.
- b1 Auto sales and service facilities.
- c1 Professional offices, drive-in banks and related uses.
- d1 Motels.
- e1 Commercial recreation.

2a Height

- a1 The maximum height of a structure shall be 2 stories and shall not exceed 36 feet.

3a Yard Requirements

- a1 A minimum of 30 feet from all street right-of-way and residential property lines. When two commercial use properties join each other, zero side yard setback may be used.

4a Lot Coverage

- a1 No structure shall cover more than one-half of the lot area.

5a Off-street Loading and Unloading

- a1 Loading and unloading facilities shall be provided so as to not block any public right-of-way.

6a Off-street Parking

- a1 Commercial uses: one parking space for each 200 square feet of floor area.
- b1 Places of public assembly: one parking space for each 4 people.

C. Quiet Retail Service C-3

1. Permitted Uses.

- a. Convenience Stores (with no outside speakers or PA sys.)
- b. Office Buildings
- c. Gift Shops
- d. Sporting Goods Shops
- e. Professional Offices
- f. Funeral Homes.

2. Hours of operation.

- a. The hours of operation are limited to, 07:00 AM to 10:00 PM.

3. Signs

- a. Signs and exterior lighting will be designed to prevent undue glare.
- b. All signs are subject to approval and in compliance with any existing sign ordinance.

4. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet.

5. Yard Requirements

- a. A minimum of 30 feet from all street right-of-way and residential property lines. When two Commercial use properties join each other, zero side yard setback may be used.

6. Lot Coverage

- a. No structure shall cover more than one-half of the lot area.

7. Off-street Loading and Unloading

- a. Loading and unloading facilities shall be provided so as to not to block any public right-of-way.

8. Off-street Parking

- a. Commercial uses: one parking space for each 200 square feet of floor area.
- b. Places of public assembly: one parking space for each 4 people.

D. All zone C-1, C-2 C-3 off-street parking areas.

- a. All off-street parking areas will be constructed of crushed limestone, concrete or bituminous surface, and be constructed as to prevent undue run-off of water to adjoining properties.

SECTION 7. Industrial J-1

This zone will provide space for manufacturing activities. It is also intended for the storage and sale of bulk materials which are prohibited in the commercial zones.

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging or assembling such products when it is found by the enforcement officer that the location and the safeguards taken will so reduce the noise, dust, odor, or vibration as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
2. Storage of bulk material when it is found by the enforcement officer that the specific location and safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.

B. Residential Uses Prohibited.

1. No structure may be constructed or altered for residential use.

C. Area Requirements.

1. All structures shall be built at least 25 feet from all property lines abutting a residential zone, and 12 1/2 feet from all other property lines. When two Industrial use properties join each other, zero side yard may be used.

D. Height

1. Maximum height of a structure shall be three stories and not to exceed 45 feet.
2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.

E. Off-street Parking

1. One on-lot parking space shall be provided for every 4 employees.
2. All off-street parking areas will be constructed of crushed limestone, concrete or bituminous surface, and be constructed as to prevent undue run-off of water to adjoining properties.

F. Off-street Loading and Unloading Facilities

1. Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or other public way.

SECTION 8. Special Uses

The City Council of Cassville on the recommendation of the Board of Zoning Adjustment, by special permit, after public hearing and after study and report by the Planning Commission subject to such reasonable conditions and protective restrictions as are deemed necessary, may authorize the following special uses in any district from which they are otherwise prohibited:

1. Cemetery or mausoleum
2. Funeral Home.
3. Greenhouse or nursery.
4. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, providing that less than 40 percent of the total land areas is occupied by buildings and that all the required yards are increased by one foot for each one foot of building height in excess of height limits specified in these regulations.
5. Nursing homes.
6. Radio tower or broadcasting station.
7. Public utility structure.

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