TITLE 16

PLANNING AND ZONING

CHAPTER.

1. PLANNING/ZONING--IN GENERAL.
   Art. I. Planning Commission
   Art. II. Miscellaneous Provisions

2. ZONING CODE.
   Art. I. Authority, Jurisdiction and Purpose
   Art. II. Administrative Procedures And Enforcement
   Art. III. Definitions
   Art. IV. General Provisions
   Art. V. Establishment of Districts
   Art. VI. District Regulations
   Art. VII. Overlay Districts
   Art. VIII. Conditional Uses
   Art. IX. Wireless Communication Facilities
   Art. X. Additional Regulations
   Art. XI. Permitted Uses

3. MANUFACTURED AND MOBILE HOMES.

4. SUBDIVISIONS.
   Art. I. Scope and Definitions
   Art. II. Multiple Building or Multiple Use Subdivision
   Art. III. Plat Approval and Review Process
   Art. IV. Standards
   Art. V. Penalty

5. SIGN CODE.
   Art. I. In General
   Art. II. Administration and Permits
   Art. III. Sign Standards
   Art. IV. Nonconforming Signs

6. POLITICAL SIGNS.

7. HISTORIC DISTRICTS.
   Art. I. In General
   Art. II. Standards and Administrative Procedures
   Art. III. Historic District Commission

8. SEXUALLY ORIENTED BUSINESS.

9. LANDSCAPE REGULATIONS.

Supplement No. 31
CHAPTER 1

PLANNING/ZONING--IN GENERAL

ARTICLE I.  PLANNING COMMISSION

16-1-1.  In general.

16-1-1.1.  Membership.

The membership of the Hot Springs Planning Commission shall consist of nine (9) members. There shall be one (1) member who resides within each of the respective six (6) board districts within the corporate limits of the city, and one (1) additional member who resides, at large, within the corporate limits of the city. The remaining two (2) members shall reside within the city’s duly established planning jurisdiction but outside the corporate limits of the city as authorized by A.C.A. ’14-56-405. At least two-thirds (2/3) of the membership shall not hold any other municipal office or appointment except membership in the board of adjustment or a joint planning agency. The planning commission members shall serve three (3) year terms. The terms of office for each member shall be so established such that no more than three (3) terms shall expire in any given year. No member shall serve more than three (3) consecutive terms, or any part thereof.

16-1-1.2.  Authority.

The planning commission shall have such powers as necessary to carry out the duly adopted comprehensive plan, subdivision code and zoning code and other duties and responsibilities as authorized by A.C.A. ’14-56-412.

16-1-1.3.  Appointments and vacancies.

Appointment of Planning Commission members and the filling of any vacancies which may occur due to death, resignation, residency, or removal from office shall be confirmed by the Board of Directors in accordance with such appointment procedures as the Board of Directors may now or hereafter adopt. Any member appointed for an unexpired term shall serve for the remainder of the unexpired term of the member who is being replaced; provided, however, that said appointee may be reappointed for additional full terms upon the expiration of the unexpired term to which the member was appointed, subject to the term limitations set forth in Section 1 above. (Ord. No. 6002, §1, 3-18-2014)

16-1-1.4. Removal.

Any member of the planning commission may be removed with or without cause by majority vote of the duly-elected members of the board of directors.

(Ord. No. 5711, §§1-4, 2-3-09)


The reimbursement of mileage incurred by members of the City of Hot Springs Planning Commission while conducting site visits to projects to be considered by the commission at any regular or special meeting is hereby authorized. Provided, further, that planning commission members shall submit such forms and documentation as may be required by the city manager, or his designee, for reimbursement of said mileage. (Ord. No. 5453, §1, 6-5-06)

16-1-3–16-1-6. Reserved.
ARTICLE II. MISCELLANEOUS PROVISIONS

16-1-7. Application fee schedule.

(a) The following land use application fee schedule is adopted:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Appeal</td>
<td>$90</td>
<td>Comprehensive Plan Review &amp; Amendment</td>
<td>$225</td>
</tr>
<tr>
<td>Miscellaneous Applications</td>
<td>$90</td>
<td>Zoning (excluding PD)</td>
<td>$350</td>
</tr>
<tr>
<td>Historic District</td>
<td>$25</td>
<td>PD Site Plan &amp; Zoning</td>
<td>$725</td>
</tr>
<tr>
<td>Board of Zoning Adjustment</td>
<td>$200</td>
<td>PD Site Plan Amendment</td>
<td>$375</td>
</tr>
<tr>
<td>Conditional Use Permit (excluding Home Occupation Type B)</td>
<td>$475</td>
<td>Large Scale Development Site Plan (Article II) Review</td>
<td>$375</td>
</tr>
<tr>
<td>Conditional Use Permit – Home Occupation – Type B</td>
<td>$50</td>
<td>Preliminary Plat &amp; Development Plan Review (all subdivision types)</td>
<td>$350 + $5/lot</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>$375</td>
<td>Final Plat Review (all subdivision types)</td>
<td>$175 + $5/lot</td>
</tr>
<tr>
<td>Subdivision Pre-application conference with staff</td>
<td>-0-</td>
<td>Concurrent consideration of Zoning Change to C-TR Commercial Transitional and Conditional Use Review (Ord. No. 5905, §6, 11-20-2012)</td>
<td>$475</td>
</tr>
</tbody>
</table>

In addition to the above fees, if, because of the detailed nature of a proposal or the number of hearings that are required, the City’s review cost exceeds the application fee, the applicant shall be responsible for paying the actual cost in full. Such cost may include technical or legal review by qualified experts.

(b) Fee waiver provisions for affordable housing developments shall apply to the planning and zoning land use fee schedule adopted by (a) hereof.

Cross reference—§15-1-9, building and construction code fee waiver.

(Res. No. 6504, §1, 2-5-07)

Editor’s note—§ 16-1-7 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.
16-1-8. Emergency or extraordinary circumstances - Waiving code requirements for temporary structure.

16-1-8.1. Emergency or extraordinary circumstances - Exception.

In the event that an otherwise lawfully existing structure is rendered uninhabitable or unusable due to emergency or extraordinary circumstances, the owner or lessee may make application for the placement and occupancy of a temporary structure on said premises. Should such application be approved, the otherwise applicable provisions of the Zoning Code or Mobile Home Ordinance are hereby waived per the terms and conditions established by the board of directors in connection with such emergency or extraordinary circumstances.

16-1-8.2. Emergency or extraordinary circumstances - Application.

Emergency or extraordinary circumstances temporary structure applications shall be filed with the planning department and must be approved by resolution of the board of directors. Any such waiver applications approved by the board of directors shall be for a maximum period of six (6) months. Any extension beyond six (6) months shall constitute a new and separate application. The application shall be on such form or in such manner as prescribed by the planning department and shall include the following:

(a) Name and address of the applicant;
(b) Address and parcel description of the premises;
(c) Proof of ownership or lease of the affected property;
(d) Proof that the existing structure is uninhabitable;
(e) Proof that the damage was caused by conditions or circumstances beyond the applicant’s control;
(f) Evidence that an extraordinary circumstance has been created by this occurrence;
(g) Evidence of efforts made to comply to seek alternative solutions that would be in conformance with all applicable codes; and
(h) Complete description of the temporary structure proposed for occupancy.

16-1-8.3. Other requirements.

Any temporary structure placed pursuant to this ordinance shall comply with all other codes and requirements applicable to the type of structure proposed including, but not limited to, Building Code, Electrical Code, Plumbing and Gas Code, Mechanical Code, and Fire Prevention Code, and such other terms and conditions established by the board of directors.
16-1-8.4. Temporary structure.

For purposes of this ordinance, a temporary structure may include a pre-fab or pre-constructed building, a mobile or manufactured home, a recreational vehicle designed for residential occupancy, or a similar unit or structure.

(Ord. No. 4948, §§ 1–4, 2-5-01)

16-1-9.1 Comprehensive Plan

Hot Springs 1997 is hereby adopted as the City’s official long-range plan for the purpose of directing and promoting the growth and development of the Hot Springs Area through 2020.

(Res. No. 3804, 10-20-1997)

16-1-9.2 Comprehensive Plan

Hot Springs 2030 is hereby adopted as the City’s official long-range plan for the purpose of directing and promoting the growth and development of the Hot Springs Area through 2030 and the 1997 Comprehensive Plan is hereby amended to comport therewith.

(Res. No. 7663, 5-3-2011)

*Editor's note*- A copy of the 2030 Plan and the 1997 Comprehensive Plan as amended are on file in the City Planning Department.
ARTICLE I. AUTHORITY, JURISDICTION, AND PURPOSE

16-2-1. Authority.

These regulations are adopted under the authority cited in Arkansas Code Annotated §14-56-401 through §14-56-426, and shall be known as the Hot Springs Zoning Code and may be cited as such.

16-2-2. Jurisdiction.

The provisions of this Code shall apply to all land and structures within the corporate limits of Hot Springs, Arkansas, as they now or may hereafter exist.


Zoning is one tool used to carry out or protect provisions of the comprehensive plan. It is designed to protect and stabilize some areas while guiding development and redevelopment in others. It is not intended to change existing uses. Over the years, the Zoning Code directs growth and expansion toward the pattern set forth in the Future Land Use Plan.

More specifically, these regulations divide that portion of the planning area boundary existing within the corporate limits into zones. Within these zones or districts, it regulates the location, height, bulk, number of stories, and size of buildings; open space; lot coverage; density and distribution of population; and the uses of land, buildings, and structures. It does so in order to achieve the following objectives:

(a) Efficiency and economy in the process of development;
(b) The appropriate and best use of land;
(c) Convenience of traffic and circulation of people and goods;
(d) Safety from fire and other dangers;
(e) Adequate light and air in the use and occupancy of buildings;
(f) Healthful and convenient distribution of population;
(g) Adequate public utilities and facilities; and
(h) Wise and efficient expenditure of funds.

16-2-4—16-2-5. Reserved.

ARTICLE II. ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

16-2-6. Applications.

No land shall be used or occupied and no structure shall be erected, converted, altered, enlarged, moved, used or occupied except in conformity with these regulations. The City will send notices to applicable property owners for all proceedings under this Code including, but not limited to, the Planning Commission, Board of Zoning Adjustment and Historic District Commission proceedings.


No structure may be erected, altered, moved or extended until a building permit has been issued by the city in accordance with such building code as may now or hereafter be adopted by the Hot Springs board of directors. The planning commission may impose conditions or time limits on such permits under the terms of these regulations. The building permit may be revoked if the conditions of the permit are not complied with; or, if construction has not been started six months after the permit is issued.

16-2-8. Site plans.

All applications for building permits shall be accompanied by a scaled site plan in duplicate and depict the following as a minimum, where applicable:

(a) Vicinity map.
(b) Lot drawing with dimensions.
(c) Location and dimension of all buildings.
(d) Location of all drives and parking, including handicapped parking.
(e) Sidewalks, including ramps for handicapped access.
(f) Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

(g) Location and type of exterior lighting

(h) Location of trash dumpsters and external audio speakers

(i) Location of signs

The plan does not have to be prepared by a registered professional, unless otherwise required, but shall be professionally drawn. Structures not served by the city sewer system must include details of the proposed sanitary sewage disposal system.


No new structure shall be used or occupied unless a certificate of occupancy for such has been issued by the administrative officer. Land or structure may be used or occupied only for the use or uses shown on the certificate of occupancy.

16-2-10. Violations and enforcement.

16-2-10.1. Penalty.

The penalty for violation of this code shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

16-2-10.2. Enforcement.

There is hereby vested in administrative officer the duty of enforcing this code and the power necessary for such enforcement, incidental to which duty and power the commission shall:

(a) Conduct investigations and surveys to determine compliance or non-compliance with the provision of this code. The right to entry and inspection to enforce this code may be enforced by application to and proper orders from a court of proper jurisdiction.

(b) Make written orders requiring compliance with the provisions of this code. Such orders shall be served personally, or by registered mail upon the person, firm or corporation deemed by the commission to be violating the provisions of this code; provided, however, that if such person, firm or corporation is not the owner of the land on or the structure in which the violation is deemed to exist or have occurred, a copy of the order shall be sent by registered mail to
the owner of such land or structure, the owner to be determined from the tax roll for
the preceding tax year in the office of the county assessor. The date of mailing shall
be deemed the date of service of any order served by registered mail.

(c) Through the city attorney, to institute in courts of proper jurisdiction, proceedings for
the enforcement of the provisions of this code and administrative orders and
determinations made hereunder. The commission may, by unanimous vote, delegate
the authority for any portion of this enforcement such city office or department as the
commission shall specify and the city manager approve.

(d) To consider and act upon requests for reasonable accommodation.

(1) **Purpose and Intent.** The purposes of allowing Reasonable
Accommodation(s) is to provide a process for individuals with disabilities to
make requests for Reasonable Accommodation(s) for relief from the various
land use, zoning, or rules, policies, practices, and/or procedures of the City.
It is the policy of the City, pursuant to the Federal Fair Housing Act, to
provide people with disabilities Reasonable Accommodation(s) in rules,
policies, and procedures that may be necessary to ensure equal access to
housing.

(2) **Requesting Reasonable Accommodation(s):** In order to make specific
housing available to an individual with a disability, a disabled person, or
representative may request Reasonable Accommodation(s) relating to the
various land use, zoning, or rules, policies, practices, and/or procedures of the
City.

   a. If an individual needs assistance in making the request for Reasonable
      Accommodation(s) or appealing a determination regarding Reasonable
      Accommodation(s), the Planning Director will endeavor to provide the
      assistance necessary to ensure that the process is accessible to the applicant.

   b. A request for Reasonable Accommodation(s) with regard to City
      Regulations, Rules, policies, Practices, and/or procedures may be filed on an
      application form provided by the Planning Director at the time that the
      accommodation may be necessary to ensure equal access to housing.

(3) **Required Information** The applicant shall provide the following
information when requesting Reasonable Accommodation(s). This
information shall be made part of the public record for the project and subject
to all applicable State and Federal laws for public access to records.

   a. A completed City application indicating, among other things, the applicant’s
      name, address, and telephone;
b. Property address for which the request is being made;

c. The current actual use of the property;

d. The Zoning Code provision, regulation, or policy from which Reasonable Accommodation(s) is being requested;

e. The basis for the claim that the person(s) for whom the Reasonable Accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);

f. Such Other relevant information as may be requested by the Planning Director as the Director reasonably concludes is necessary to determine whether the findings required by Sec. 16-2-11(d)(6), Required Findings for Reasonable Accommodation(s), can be made so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

(4) Approval Authority and Approval Procedure:

a. The Planning Director shall have the authority to consider and take action on requests for Reasonable Accommodation(s). When a request for Reasonable Accommodation(s) is filed with the Planning Department, it will be referred to the Planning Director for review and consideration as an administrative action unless determined otherwise by the Planning Director. Such a request may be a request for Reasonable physical improvement that cannot be constructed to conform to the City’s setbacks or design standards, or may be a request for Reasonable treatment pursuant to interpreting a definition. Typical improvements considered to be “administrative” in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person’s disability, or a request delineating grounds to exceed the maximum number of residents.

The Planning Director shall issue a written determination of his or her action within 15 days of the date of receipt of a completed application and may:

i. Grant or deny the accommodation request; or

ii. Grant the accommodation request subject to specified nondiscriminatory condition(s); or

iii. Forward the request to the Planning Commission for consideration as a Conditional Use Permit and subject to the findings stated in Sec. 16-2-11(d)(6), Required Findings for Reasonable Accommodation(s).
b. In the event the Planning Director determines that the request for Reasonable Accommodation(s) is non-administrative in nature, such request shall be forwarded to the Planning Commission in accordance with Section 16-2-75 through 79, Conditional Use Permit and shall be subject to the findings stated in Sec. 16-2-11(d)(6), Required Findings for Reasonable Accommodation(s).

c. All written determinations of actions of the Planning Director Shall give notice of the right to appeal and the right to request Reasonable Accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

d. If necessary to reach a determination or action on the request for Reasonable Accommodation(s), the Planning Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the 15-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

(5) **Considerations:** The city may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:

a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;

d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting;

e. The city may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City’s Zoning Code (HSC Title 16);
f. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

g. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;

h. Whether granting the requesting accommodation would substantially undermine any express purpose of either the City’s Land Use or Comprehensive Plan or an applicable specific plan.

i. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(6) **Required Findings for Reasonable Accommodation(s).** In making a determination regarding the reasonableness of a requested Reasonable Accommodation(s), the Approving Authority shall make the following findings:

a. The housing which is the subject of the request for Reasonable Accommodation(s) will be used for an individual protected under the Fair Housing Act.

b. The request for Reasonable Accommodation(s) is necessary to make specific housing available to an individual protected under the Fair Housing Act.

c. The requested Reasonable Accommodation(s) does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies or procedures.

d. The requested accommodation will not result in a fundamental alteration in the natures of the City’s zoning process, as “fundamental alteration” is defined in fair housing laws and interpretive case law.

e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(Ord No. 5891, §3, 8-7-2012)
16-2-11. Amendments to the regulations and map.

(a) General

(1) This Code may be amended by changing the text, the official zoning map, or both in accordance with the procedures prescribed herein. Notice of any public hearings held using any of the methods of amendment shall be published at least one time, not less than fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation.

(2) The following may initiate a request to amend this Code:

a. A member or members of the board of directors.

b. A member or members of the planning commission.

c. The owner of a property or his appointed agent.

(b) Amendments by the board of directors and planning commission may be made in the following manner:

(1) The board of directors may refer a request for amendment to the planning commission to be considered in accordance with the procedures outlined in Section (3) below.

(2) The board of directors may act upon a request to amend this Code when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the city. An amendment may be made under this section upon the approval of two-thirds of the entire board of directors.

(3) Amendments by the planning commission may be made only in accordance with the procedures outlined herein.

a. The planning commission may, from time to time, either upon request by one or more of its members, by direction of the board of directors, or in the course of its normal planning activities, consider amendments or additions to the zoning code.

b. The planning commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.

Editor’s Note: Ord No. 5893, §1, approved on 8-21-2012 inserted “and planning commission”; in §16-2-11(b). Ord No. 5893, §2 removed sections 16-2-11(b)(3)(c)—16-2-11(b)(3)(g).
(c) Amendments by property owners may be made in the following manner:

(1) An application for amendment shall be filed with the administrative officer.

(2) The application for a zoning map amendment shall contain the following information:

a. Name and address of applicant.

b. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the zoning map amendment is proposed.

c. Address and legal description of property.

d. A map of the subject property, delineating:

1. the dimensions of property;

2. approximate location of buildings with appropriate dimensions;

3. land uses of adjacent properties.

e. The application shall be accompanied by the prescribed fee as indicated in §16-2-36. Application Fee Schedule. The prescribed fee includes public notification and notification letters to surrounding property owners.

f. Applicant Statement: Applicant shall describe how the request meets each review standard listed in §16-2-11(c)(4)(e)(1). (Ord No. 5893, §3, 8-21-2012)

(d) Planning Commission shall hold a public hearing to consider amendments to the zoning code text or map, and to consider amendments to the future land use plan in required

(1) Notice of such hearing shall be sent by the city in a letter to surrounding property owners within 200 feet.

(2) Notice of such hearing shall be given by posting a suitable and pertinent sign on the subject property by the applicant not less than fifteen (15) days prior to the hearing.

(3) Upon receipt of an application for zoning code text amendment the administrative officer shall fix a date for a public hearing according to a monthly schedule maintained in the administrative office.
(4) Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the public hearing according to a monthly schedule maintained in the administrative office.

(5) Applicant Public Hearing Attendance is Mandatory; Planning Commission shall dismiss any application for which the applicant or his/her designated representative fails to attend.

(6) If the proposed amendments are not consistent with the future land use plan, planning commission shall first consider and adopt any necessary changes to the future land use plan.

(7) Changes in zoning classifications initiated by planning commission shall be considered comprehensive changes affecting the entire city and no individual notifications shall be made. A map indicating the proposed changes will be available in city hall for interested citizens and property owners.

(8) Following the public Hearing, the proposed plans may be recommended as presented, or in modified form, by the majority of planning commission.

(9) Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the board of directors for its adoption. (Ord No. 5893, §3, 8-21-2012)

(e) Review Criteria and Finding of Fact.

(1) Within thirty (30) days following the public hearing, the planning commission shall make a specific finding as to whether demonstrates compatibility with surrounding development or zoning; is consistent with the objectives of the zoning code; implements an approved City plan; responds to a significant change in surrounding physical, economic land use or other conditions; fulfills demonstrated public need for land so-zoned; or corrects an error in previous City action.

(2) Planning commission shall make written recommendations to the Board of Directors setting forth the basis for its recommendation. A copy of the recommendations shall be submitted to the applicant at the same time. (Ord No. 5893, §4, 8-21-2012)
(f) Authorization by board of directors.

Any amendment hereto shall become effective only upon passage by a majority vote of the entire membership of the board of directors. (Ord. No. 5352, §1, 5-16-05)

(g) Effect of denial of amendment.

No application for an amendment which has been denied wholly or partly by the planning commission shall be resubmitted for a period of one (1) year from the date of said denial, except upon a showing of a substantial change in conditions found to be valid by the planning commission and demonstrated by a majority vote of the full planning commission in favor of a rehearing. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.

No further action will occur in the case of a request for an amendment denied by the planning commission unless the applicant files an appeal in accordance with the following section.

Editor's Note: Ord No. 5893,§4, 8-21-2012 re-lettered sections 16-2-11(f) and 16-2-11(g).

16-2-12. Appeals to board of directors.

(a) Any action of the planning commission, i.e., conditional use permits or zoning decisions, may be appealed to the board of directors. In order to make an appeal, the aggrieved party must file a “notice of appeal” with the planning department within 30 days of the planning commission’s final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:

(1) Summary of any reasons provided by the planning commission concerning the decision made in the case.

(2) Reasons why the applicant of the appeal contends that the planning commission erred in its decision.

(3) Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission’s decision were reversed.

(4) Any new and pertinent information bearing on the case which may have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.

(b) The department of planning shall provide notice of the appeal in accordance with the applicable provisions of the zoning code in the same manner and to the same parties as the initial application.
Appeals to the board of directors shall be de novo; however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the board of directors may affirm the planning commission’s decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the board that, in the opinion of the board, would affect the planning commission’s decision, the board may refer the case back to the planning commission for further study, including the new information, and re-certification.

### 16-2-13. Board of zoning adjustment.

(a) **Organization.** A board of zoning adjustment is hereby created consisting of five (5) members. The members of the board of zoning adjustment shall be nominated by the city manager, subject to confirmation by the board of directors, in accordance with such appointment procedures as may now or hereinafter be established by the board of directors. Members shall be appointed for three-year terms. No member shall serve more than three (3) consecutive terms, or any part thereof. (Ord. No. 5713, §1, 2-3-09)

(b) **Powers, duties, meetings and hearings.** The board of zoning adjustment shall have the following functions:

1. **Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the ordinance, and may affirm or reverse, in whole or in part, the decision of the administrative officer.**

2. **Hear requests for variances from the literal provisions of the zoning code in instances where strict enforcement of the code would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the code.**

3. **The board shall not permit, as a variance, any use in a zone that is not permitted under the ordinance.**

4. **The board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.**

5. **Decisions of the board in respect to the above shall be subject to appeal only to a court of record having jurisdiction within thirty (30) days of the board’s action.**

6. **The board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions.**

7. **Each session of the board shall be a public meeting with public notice of the meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.**
(8) Petitions to the board shall also include the notification of adjacent property owners. Adjacent property owners shall be notified by the city by letter.

(9) The ordinance shall be observed through denial of the issuance of building permits and use permits.

(c) Procedure. The following procedure shall be used in presenting requests for variances from the provisions of the zoning chapter to the board of zoning adjustment:

(1) Any person applying for a variance from any of the provisions of the zoning code must submit a written application for a variance to the administrative officer on forms provided by the city. The administrative officer will set a date for hearing before the board of zoning adjustment.

(2) At the hearing on the application, the board of zoning adjustment shall hear all interested parties. The board of zoning adjustment may deny the variance, grant the variance without conditions, or grant the variance with conditions.

(d) Appeal from decision of board of zoning adjustment. A decision of the board of zoning adjustment in respect to an appeal from a decision of the administrative officer or to a request for a variance shall be subject to appeal only to a court of record having jurisdiction. The appeal must be filed within thirty (30) days of the board’s action.

(e) Application fee. All applications to the board of zoning adjustment shall be accompanied by the prescribed fee as indicated in § 16-2-36. Application Fee Schedule. The prescribed fee includes public notification and notification letters to adjacent property owners.

16-2-14–16-2-20. Reserved.

Accessory building/structure. An accessory building/structure is a subordinate building/structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as, the use of the main building or principal use of the land.

Accessory use. An accessory use is one, which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When “accessory” is used in the text, it shall have the same meaning as accessory use.

Administrative official or officer. The person designated by the city manager of the city of Hot Springs to administer the zoning code.

Adult daycare center. Establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee, or grant for the adults attending the facility, whether or not operated at a profit.

Adult use – any use regulated by the sexually oriented business ordinance of the city of Hot Springs.

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

Alley. A public or private right-of-way primarily designed to served as a secondary access to the side or rear of properties whose principal frontage is on some other street.

Animal farms, intensive. Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include, but are not limited to, hog ranches, poultry/egg farms, and cattle feed lots. The term does not include slaughterhouses.

Animal farms, small specialty. Wholesale farms for raising rabbits, birds, bees (honey), worms, minks, or similar small animals.

Apartment. A multiple family dwelling (see “Dwelling, Multiple”).

Apartment building. A residential building, other than a town-house, containing three or more dwelling units.
Auction yard. A place where vehicles, operable or inoperable, are offered for sale to persons who bid on the vehicles in competition with each other.

Automobile body repair/painting. Any building, premises, and/or land in which or upon which a business, service, or industry involving the repair or painting of the body of vehicles is conducted or rendered.

Automobile junk or salvage yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or “wrecked”, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Automobile mechanical service/repair. Any building, premises, and/or land in which or upon which a business, service, or industry involving the mechanical maintenance, servicing or repair of vehicles is conducted or rendered.

Automobile sales or leasing. The use of any building, land area, or other premise for the display and sale or leasing of new or used operable automobiles generally, but may include light trucks or vans, trailers, or recreational vehicles and including an vehicle preparation or repair work conducted as an accessory use.

Bed and breakfast inn. An owner-occupied dwelling unit that contains guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

Block front. All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

Board of zoning adjustment (or board). A board established by Section 16-2-13 of this Code.

Boat docks and beaches, commercial. Marinas, swimming and picnic areas that assess a fee for public use.

Buffer area. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Buffering. See Buffer area.

Buildable area. The area of that part of the lot not included within the yards or open spaces herein required.

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

Building, coverage. The percentage of the lot area covered by the building.
Building height. The average vertical distance from the highest point of the building to the sidewalk grade or finished lot grade adjacent to the building, whichever is higher.

Building line. The line within a property which defines a minimum horizontal distance to be provided between an exterior building wall or building support and the adjacent property line. This includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building location. That portion of a lot upon which buildings or structures may be placed. In measuring setbacks or offsets, the following shall be excluded from distance requirements:

(a) The outer three feet of roofs or cornices projecting beyond the wall or supporting columns
(b) Walls or fences, not over eight feet in height, located behind the required front setback line
(c) Unroofed structures or portions of structures, of a height not greater than the distance from the property line or four feet, whichever is less.

Building, main or principal. A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.

Building, temporary construction. A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.

Car wash. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child care center. Any place, home, or institution which receives five or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public schools and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.
Church or place of religious worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic, dental or medical. A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight.

Clubs and lodges. A membership organization established for specific purposes, having a charter of by laws, and operating in other localities in addition to Hot Springs.

Cluster housing development. An arrangement of houses or lots which provide a higher density in part of the development, balanced by common open space or larger lots so that the total average density does not exceed that of the zoning district.

Commercial warehouse. Space used by one or more parties for the storage of merchandise. Material may be transferred into and out of by owner or other authorized persons.

Commission. The Hot Springs planning commission.

Community center. A meeting place used by members of a community for social, cultural or recreational purposes.

Community theater. A building used for theatrical or other cultural activities, open to the public or designated part of a public, non-profit group or agency.

Comprehensive plan. An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The comprehensive development plan shall be hereinafter called the plan.

Conditional use. A use which may be permitted in a zone where it is specifically listed, subject to the provisions of Article VIII of this Code.

Condominium. A system of individual fee ownership of buildings or portions of buildings, combined with common ownership of buildings, portions of buildings, land and site improvements. See horizontal property regime.

Contractor’s yard. A place where contractor’s equipment and some unused materials are stored.
Convenience store. Any retail establishment that is 3,500 square feet or less in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption. For establishments greater than 3,500 square feet see “truck stop.” A gasoline or service station may be an accessory use to a convenience store.

Country club. A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Daycare family home. A situation in which children are cared for in a caregiver’s own family residence.

District, zoning. Any section, or sections, or divisions of the city for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in, drive-through, drive-up commercial uses. An establishments that by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. (i.e. drive-through banks, restaurants)

Duplication shop. A facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments or similar large scale operations.

Dwelling or dwelling unit. Means any building, structures, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; but not including motels, boardinghouses, tourist homes, convalescent homes, accessory storage building, travel trailers or recreational vehicles. (Ord. No. 5891, §1, 8-7-2012)

Dwelling, attached or upper floor. A dwelling having any portion of one or more walls in common with adjoining dwellings. Or a one-family dwelling that is attached to a non-residential building.

Dwelling, detached. A dwelling that is not attached to any other dwelling by an means.

Dwelling, garden home/apartment. See Dwelling, multi-family.

Dwelling, multi-family. A dwelling or complex designed for occupancy by eight or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort type hotels.

Dwelling for resident security guard or caretaker. A permanent dwelling for a security guard or caretaker employed on the premises of a site. A dwelling for a resident security guard or caretaker does not include recreational vehicles (RV) or manufactured homes.

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

Dwelling, townhouse. Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
**Dwelling, two-family.** A dwelling designed to be occupied by two families living independently of each other.

**Duplex.** (See Dwelling, two-family)

**Easement.** A property interest granted to a public utility company, the city, or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access.

**Erect.** To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

**Factory-built home.** Any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.

**Family.** One or more persons related by blood or marriage, including adopted children; also may be defined as a group of persons not related by blood or marriage, not to exceed eight persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

**Familial Status.**

(a) The status resulting form one (1) or more individuals who are under eighteen (18) years of age being domiciled with:

1. The parent or another person having legal custody of the individual under the age of eighteen(18) years; or
2. The designee of the parent or other person having custody, with the written permission of the parent or other person; or

(b) The Status resulting form being in the process of securing legal custody of any individual who is under the age of eighteen(18) years; or

(c) The status resulting from being pregnant

(Ord. No. 5891, §2, 8-7-2012)

**Farming, general.** The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents needs or use and the sale of agricultural products grown on the premises.

**Fast-food restaurant.** (See Restaurant, fast-food, and restaurant, drive-in)

**Fence.** A structure serving as an enclosure, barrier, or boundary and usually made of post boards, wire, stakes, or rails.

**Flood plain.** Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.
**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floodway fringe.** All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

**Floor area.** The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating 2 buildings.

**Floor area, gross.** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

**Floor area ratio.** The ratio derived by dividing the total floor area of all buildings on a parcel of land by the area of the parcel of land.

**Fish hatchery.** A place where fish are propagated for use elsewhere.

**Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

**Front of building.** That facade of the building that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this facade.

**Front of lot.** The front of lot is usually platted and marked on the plat; if it is not shown on the plat, it is the space parallel to the lot line having the least dimension along the street providing direct vehicular access.

**Garage, private.** An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory and not for commercial repair use.

**Garage, public or repair.** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles. See Section 16-2-97 of this Code.

**Gasoline or service station.** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair or automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. A convenience store or truck stop as defined herein, may also be accessory uses to a gasoline or service station. See Section 16-2-97 of this Code.

**Greenhouse.** A structure largely enclosed with translucent material and used for the propagation and/or growing of plants.
Group dwelling. The residence of six or more persons, not related by blood, marriage, adoption or guardianship and living together as a single housekeeping unit. Examples include convents, fraternities, half-way houses and similar uses.

Halfway house. A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

Hedge. A barrier or boundary formed by a dense row of shrubs or low trees.

Home occupation. A non-residential use carried on within a dwelling, which is clearly subordinate to the residential use and which does not outwardly change the residential character of the use, lot, or structure.

Horizontal property regime. A system of individual fee ownership of buildings or portions of buildings, combined with common ownership of buildings, portions of buildings, land and site improvements.

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

Hotel. A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

Illumination, direct. Illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.

Illumination, indirect. Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.

Illumination, spot light. Illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

Institution. An establishment providing residence and aid to persons for charitable, educational, corrective or religious purposes.

Land-lease community. A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights.
Lot. A parcel of land occupied, or to be occupied, by one principal building and its customary accessory structures, and which is of sufficient size to meet the minimum requirements of this code. Such lot may consist of one or more lots of record and shall front on a public street or have access to a public street by way of a private street, approved easement or other method permitted by this code or the subdivision regulations.

Lot of record. A parcel of land legally described and recorded in the office of the county recorder.

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

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

Lot lines. The lines bounding a lot as defined herein.

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

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

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

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

Mall. Any concentration of retail stores and/or service establishments that share customer-parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of ¾ of the length of a side building wall. For purposes of this Code, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

Manufactured home. A factory built, single-family dwelling, constructed in a factory pursuant to the Federal Manufactured Home Construction and Safety Standards (24 CFR 3280).

Manufactured home overlay zone. Areas of the city as defined on the zoning map for permitted placement of manufactured homes without a conditional use permit.

Manufactured home park. A tract of land, five (5) acres or more under one ownership, divided into separate individual spaces for placement of manufactured homes where the individual spaces for manufactured homes are intended for rent or lease.
Manufactured home subdivision. The division of a tract of land five (5) acres or more into two (2) or more parcels to be sold for the permanent placement of manufactured homes or other types of factory built homes including modular, panelized and pre-cut units.

Manufacturing, general. The production, fabrication, processing, or assembling or materials or substances into goods, merchandise and equipment, where the operation characteristics of the manufacturing process limits the extent of the external impacts to the immediate vicinity.

Mini-warehouse. See “Self-storage.”

Mixed-use structure. A building containing residential in addition to non-residential uses permitted in the zone.

Mobile home. A single family dwelling that is fabricated in an offsite facility prior to the enactment for the Federal Manufactured Home Construction and Safety Standards (24 CFR 3280), the same being no longer permitted in the city of Hot Springs, except as outlined in the manufactured home ordinance.

Modular home. A residential dwelling, constructed in a factory to a residential construction code other than the manufactured home construction and safety standards.

Motel. A motel or motor court is a business consisting of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Non-conforming use of land or structures. A lawful use of land or structure which does not conform to the use provisions of these regulations at the effective date of their adoption or amendment.

Non-conforming lot. Any lot of record that does not conform to the width and area requirements of these regulations at the effective date of their adoption or amendment.

Non-conforming structure. Any structure that does not conform to the bulk, setback, offset, height, floor area ratio, parking or loading requirements of these regulations at the effective date of their adoption or amendment.

Nursing home or convalescent home. A structure designed or used for residential occupancy and providing limited medical or nursing care for occupants, but not including a hospital or mental health center.

Nursery. An enterprise conducting retail and wholesale sale of plants grown on the site as well as accessory items such as pots, potting soil, fertilizers, insecticides, rakes, shovels, etc., but not including power equipment such as gas or electric lawnmowers and farm implements.

Offset. The perpendicular distance to the nearest portion of a building or structure from the side or rear lot line or on corner lots from the side street right-of-way line. The outer three feet of roofs or cornices projecting beyond the wall or supporting columns, shall not be included.
Off-street loading space. A paved space on private property of at least 10' X 45' plus driveways, for the loading or unloading of trucks.

Off-street parking space. A paved space on private property, of at least 9' X 18' for the storage of a motor driven vehicle, having unobstructed access to a driveway.

Parcel. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

Park. An area that is open to the general public and reserved for recreational, educational, cultural, or aesthetic use.

Parking lot. An off-street facility including paved parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parking lot, private. A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lots on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking lot, public. A paved parking area available to the public, with or without payment of a fee.

Parking space. A paved off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9 feet by 18 feet.

Permitted uses. A use that is permitted in a zoning district subject only to the requirements pertaining to all uses in the district.

Person with a disability means any person who:
(a) Has a physical or mental impairment that substantially limits one or more major life activities;
(b) Has a record of having the impairment; or
(c) Is regarded by others as having the impairment.
(d) The fact that a person is a registered sex offender does not make him or her a person with disabilities. (Ord. No. 5891, §2, 8-7-2012)

Physical or mental impairment includes, but is not limited to, orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. (Ord. No. 5891, §2, 8-7-2012)

Planned development (PD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Principal building. A building which contains the principal uses, not an accessory building.
Professional office. An office that a member of a recognized profession maintains for the conduct of that profession.

Public assembly. A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

Public building. A building owned by a governmental agency.

Public utility. Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Radio tower, commercial. A commercial communication tower not covered under the Telecommunications Act of 1996.

Radio tower, private. A radio or TV tower that is attached to a residence(s) for home or amateur use, and not covered under the Telecommunications Act of 1996.

Reasonable accommodation means a modification or a waiver of zoning requirements, rules, policies, or practices if the modification or waiver is reasonable and necessary afford a person with disabilities an equal opportunity to use and enjoy a dwelling. “Necessary” means that without the accommodation, the person would not be able to live in the dwelling of his or her choice. “Reasonable” means that the accommodation will not create an undue financial or administrative burden for the City and will not fundamentally alter the zoning scheme of the City. (Ord. No. 5891, §2, 8-7-2012)

Recreation, active. Recreation that is typically characterized by the participation in sports programs. This type of recreation usually involves high vehicle trip generations, or have the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples include but are not limited to: outdoor swimming pools, lighted tennis courts, lighted baseball/softball, and football/soccer complexes, golf courses, and public boat ramps.

Recreation, passive. Outdoor leisure activities that are low vehicle trip generators, and have a low potential for nuisance to adjacent property owners. Examples, include, but are not limited to: parks, walking, jogging, hiking, and bicycle paths/trails.

Recreational vehicle (RV). Self propelled or towed temporary living quarters equipped with minimum of bed and cooking facilities.

Recycle collection/transfer. See Trash recycling transfer and storage business.

Restaurant. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
Restaurant, fast food. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

Retail sales. A commercial activity involving the sale of goods or merchandise to the general public, with the intent to attract the general public to buy.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Scrap iron. Discarded or rejected metals that result from manufacturing or fabricating operations.

Self-storage. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Service station. (See Gasoline or Service Station)

Setback. The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

Shopping center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.

Sketch plat. A preliminary map or drawing and accompanying material indicating a proposed layout and design of a proposed development prepared by a developer for preliminary review and comment from the Planning Commission.

Spot zoning. Spot zoning is the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest. Such zoning does not conform to the future land use plan and is not otherwise necessary in order to protect the health, safety, welfare, or morals of the community.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is not floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

Street. Any public or private thoroughfare that affords the principal means of access to abutting property.
Structure. Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

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

Trailer park. (See Manufactured Home Park)

Trash recycling transfer and storage business. A place of business where use materials are separated and processed for shipment for eventual reuse in new products.

Truck stop. Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption. For establishments 3,500 square feet or less see “Convenience Store.” A gasoline or service station may be an accessory use to a truck stop.

Variance. Administrative relief from the literal provisions of this Code in instances where enforcement would cause undue hardship due to circumstances unique to the individual property under question.

Vehicle, auto body repair/painting. See Automobile Body Repair/Painting. See Section 16-2-97 of this Code.

Vehicle, mechanical service/repair. See Automobile Mechanical Service/Repair. See Section 16-2-97 of this Code.

Vehicle sales or leasing. See Automobile Sales or Leasing. See Section 16-2-97 of this Code.

Wall. An upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.

Warehousing. A building use primarily for the storage of goods or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Yard. The open space between the lot line and the main building line.

Yard, front. The open space between the front lot line and the main building line, extending from side lot line to side lot line; this being the minimum horizontal distance between the front lot line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
Yard, rear. The minimum allowable horizontal distance between the rear lot line and the main building, extending across the rear of the lot between the side lot lines. Neither the main building nor any projection thereof other than steps, unenclosed porches, or entranceways may extend into the required rear yard.

Yard, side. The required open space between the main building line and the sideline of the lot, extending from the front yard to the rear yard.

Zero lot-line development. An arrangement of housing on adjoining lots in which the required side yard offset is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five feet unless it abuts the lot line and is provided with an access easement of five feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

ARTICLE IV. GENERAL PROVISIONS


No land shall be used or occupied, no structure shall be erected, altered, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which the structure or land is located.

16-2-23. Continuation of existing uses.

Any use of structure or land lawfully existing or one for which a permit had been lawfully issued on or before July 1, 1965, or on the effective date of any subsequent annexation, may be continued subject to the following conditions:

(a) Change in use. A nonconforming use of structure may be changed to a conforming use or to another nonconforming use of the same or more restricted classification. It may not be changed to a nonconforming use in a less restricted category. Once it is changed to a conforming use, it may not be changed back to a nonconforming use. The nonconforming use of land shall not be extended or enlarged, either upon the same or adjoining property. Such nonconforming uses of land shall specifically include, but not be limited to, billboards, poster boards, automobile wrecking yards, scrap iron and junk storage, contractor's yards, and auction yards.

(b) Discontinuance. A nonconforming use of land or nonconforming use in a structure designed for a conforming use shall not be restored to a nonconforming use after such nonconforming use has been discontinued for 12 consecutive months.
(c) **Restoration.** A nonconforming structure may not be reconstructed and a nonconforming use may not be restored if more than sixty percent of the value of such structure is destroyed.

(d) **Maintenance.** Repairs to nonconforming structures are permitted to maintain the structure in a safe condition.


A building may be built on any lot of record that is smaller than required by these regulations provided that it was legally recorded before the effective date of these regulations. If the lot is less than 65 feet wide, offsets from side lot lines may be reduced to 5 feet.

### 16-2-25. Access.

Each permitted use or lot shall have access to a public street or road. Under unusual circumstances, the planning commission may permit a use on land without access to a public street or road, provided that it is connected to a public street by an easement at least 30 feet wide. Such easement must be approved by the Hot Springs Fire Marshall.

### 16-2-26. Reduction of required spaces.

No open space required by these regulations for a particular structure or use shall be included as open space for another structure or use.

No lot, open space, parking or loading space shall be reduced in area or dimension below that required by these regulations, except where variance is granted by the Board of Zoning Adjustment.

### 16-2-27. Reserved.

### 16-2-28. Height of buildings.

(a) Buildings shall not exceed three stories or 35 feet measured from the high side of the lot in the A, R-1, R-2, R-L and R-3 Zones, except that public, semipublic, or public service buildings, hospitals, institutions, or schools when permitted in a zone may be erected to a height not exceeding 60 feet if the building is set back from each yard line at least one foot for each two feet additional building height above the height limit otherwise provided in this zone in which said building is located.

(b) Buildings shall not exceed three stories or 35 feet measured from the high side of the lot in the R-4 zone, except that residential, public, semipublic, or public service buildings, hospitals, institutions, or schools is set back from each yard line at least one foot for each one foot additional building height above the height limit otherwise provided in this zone.
(c) Chimneys, church steeples, cooling towers, scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances are exempt from the height requirements as contained herein.

(Ord. No. 5655, §1, 5-5-08)


No new zones may be created within the land area of an existing zoning classification unless such rezoning is appropriate to the area and is in the general public interest, and not merely in the interest of an individual or small group. Such rezoning must also convincingly demonstrate that the character of the neighborhood will not be materially or adversely affected by the uses permitted in the proposed change.


In order to circumvent spot zoning in the city, new zones shall consist of a minimum of two acres, with the exception of the PD and CTR zoning districts. These districts are permitted to be less than two acres to provide innovation and flexibility. (Ord. No. 5905, §2, 11-20-2012)

16-2-31. Creation of or additions to existing R-3 and R-4 zones.

No changes to the zoning map may be made in order to create new or enlarged existing R-3, or R-4 residential zoning classification areas unless the land area contained within these proposed changes is served by a sanitary sewage disposal system approved by the Arkansas State Board of Health and maintained by the Hot Springs city sewer system.


(a) Territory may be annexed to the city by one of three methods. These are the election method, the petition method and the annexation of islands by city ordinance. The method of annexation shall determine the manner in which zoning classifications are assigned to newly annexed areas.

(b) Territory annexed by the election method will be temporarily zoned Rural Residential (R-1) for a period of 60 days following certification of the election. During this time the planning commission may conduct a public hearing to discuss the zoning of newly annexed areas and any modifications to the comprehensive plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. Following the public hearing, the planning commission shall forward a report to the board of directors proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the newly annexed property. The board of directors shall then act upon the recommendations in accordance with the provisions of Section 16-2-11. If the planning commission has not initiated action for zoning the newly annexed areas within 60 days, the temporary Rural Residential (R-1) zoning shall become permanent.
(c) Following the entering of an order by the county court granting a petition for annexation, and during the 30 day waiting period during which proceedings may be instituted for having the annexation prevented, the planning commission shall conduct a public hearing to discuss the zoning of the proposed annexed areas and any modifications to the comprehensive plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. Following the public hearing, the planning commission shall forward a report to the board of directors proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the proposed for annexation. If the board of directors accepts the recommendation, the zoning classifications shall be assigned at the time during which the board of directors accepts the territory. If no zoning is assigned at this time, the territory shall be classified as Rural Residential (R-1).

(d) Islands annexed by ordinance shall be assigned a temporary zoning classification of Rural Residential (R-1) at the time the board of directors annexes the territory by ordinance. The board of directors may request, at that time, that the planning commission hold a public hearing and recommend a permanent zoning classification to the board of directors. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. If the board of directors does not request that the planning commission prepare a recommendation when the annexation ordinance is passed, the territory annexed by ordinance shall be classified as Rural Residential (R-1).

(e) An accurate plat of any newly annexed area shall be submitted by the owner(s)/developer(s) to the planning commission for the purpose of zoning. No building permits shall be issued prior to the completion of annexation.

16-2-33. Conflict with other regulations.

In the case of conflict between these regulations and others in force in the planning area, the most restrictive standard shall apply.

16-2-34. Validity.

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

16-2-35. Major street and land use plans adopted.

These regulations exist, to a large degree, for the purpose of carrying out or protecting the provisions of various plans adopted by the planning commission and board of directors. These plans specifically include, but are not limited to, the Future Land Use Plan and the Master Transportation Plan. Where development proposals or code amendments vary from those plans, the planning commission shall require plan amendments, as appropriate, as part of the approval process.
16-2-36. Application fee schedule.

All applications shall adhere to the land use application fee schedule or as hereafter may be adopted by resolution of the board of directors.

ARTICLE V. ESTABLISHMENT OF DISTRICTS


For the purpose of this Ordinance, the city of Hot Springs is divided into the following zoning districts:
R-1, Rural Residential
R-2, Suburban Residential
R-3, Low Density Residential
R-4, Medium/High Density Residential
R-L, Lake Area Residential
PD, Planned Development District
VL, Village District
C-TR, Commercial Transitional
C-1, Central Business District
C-2, General Business District
C-3, Office/Neighborhood Commercial District
C-4, Regional Commercial/Open Display District
M-1, Light Manufacturing
M-2, Heavy Manufacturing
A Agriculture, Forestry & Conservation

16-2-38. District boundaries.

District boundary lines shall be as shown on the map entitled Hot Springs, Arkansas Zoning Map, which is a part of this Code. The following rules shall apply in determining the location of district boundaries:

(a) Boundaries indicated as approximately following the center line of streets, highways, alleys, railways, or channelized waterways or other natural features shall be construed as following such center lines.

(b) Boundaries indicated as approximately following section lines, part section lines or city limits shall be construed as following these lines.

(c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
(d) Boundaries indicated as following shore lines shall be construed to follow the shore line, and in the event of change in the shore line shall be construed as moving with the actual shore line.

(e) Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

(f) When distances are not specifically indicated on the map, they shall be determined by reference to the description contained in the ordinance adopting them and any accompanying maps used to indicate the intentions of the ordinance. Written dimensions shall take precedence over scaled measurements.

(g) Reserved.

Editor's note - Regulations concerning split parcel zoning was deleted by Ord. No. 5602 dated 10-1-07.

(h) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map or where, for other reasons uncertainty exists as to the location of a district boundary, the Board of Zoning Adjustment shall interpret the location of the boundary.

Editor's note - Section 2 of Ordinance No. 5158 passed 2-17-03 adopted the Official Zoning Map and provides for the amendment thereof. Amendments are accomplished by Ordinance in accordance with 16-2-11 hereof.


ARTICLE VI. DISTRICT REGULATIONS

16-2-41. R-1 Rural Residential.

(a) Description and concept. This district serves to protect areas at the urban fringe from premature development. Properties within this district are rural and remote from existing development. They are generally not served by utilities and do not have access to transportation arteries that would allow development to any acceptable level of urban development. The corresponding land use in the comprehensive plan is Residential Suburban. As interim uses, the farming operations within this district will convert to urban uses as development occurs and should not be encouraged to expand.

(b) Permitted uses. Typical permitted uses in this district are single-family residences, field, row and tree crops, and customary accessory uses and structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.
(c) **Conditional uses.** Typical conditional uses in this district are dairy farms, poultry raising, breeding, training, feeding, display and sale of livestock, churches, country clubs, golf courses, day care centers, greenhouses and nurseries, home occupations, nursing and convalescent homes, parks and playgrounds, primary and secondary schools, and similar uses and accessory uses in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) **Minimum lot area:** One acre.

(e) **Building location:**

(1) Front yard – 35 feet, or upon petition to the planning commission, a lesser or greater distance as approved by the planning commission when it has been determined that:

   a. The fire marshal is satisfied that the proposed front setback will not hinder fire protection activities in any way;

   b. The police chief is satisfied that the proposed front setbacks will not hinder law enforcement activities in any way;

   c. The public works director is satisfied that no additional street right-of-way or utility easements will be needed and that the proposed front yard setback will not adversely affect traffic or utility service;

   d. The proposed front yard setback is not incompatible with adjacent properties and will not adversely affect the civic design and arrangement of existing development;

   e. The proposed front yard setback poses no threat to the public health, safety and welfare;

   f. The unit meets the minimum off-street parking requirements and also has two temporary off-street parking spaces for the storage of vehicles; and

   g. The petition has been duly presented and filed with city staff ten (10) days prior to the planning commission hearing.

   *Note: See also §16-2-107, Setbacks for Residential Infill Development.*

(2) Side yard- 15 feet.

(3) Rear yard - 35 feet.

(f) **Off-street parking.** See Article X, § 16-2-103, Off-Street Parking and Loading.

*Cross reference - Building height restrictions, §16-2-28.*
16-2-42. R-2 Suburban Residential.

(a) **Description and concept:** This district meets the need for low-density suburban development at the edge of urban development. Appropriate gross densities, for the most part, are up to 3.6 units per acre. Large lot R-2 development in excess of one-half (½) acre shall be discouraged where both water and sewer are available for the development. The corresponding land use in the comprehensive plan is Residential Low. R-2 developments shall provide internal traffic systems that reflect an interconnected grid system to the extent allowed by existing topography. Because of its lower densities, R-2 will be appropriate on steeper topography. Access to developments should be by collector or arterial level streets. Developments should exist away from both industrial development and intensely developed commercial areas.

(b) **Permitted uses.** Typical permitted uses in this district are single-family residences and customary accessory uses or structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) **Conditional uses.** Typical conditional uses in this district are churches and charitable institutions, country clubs, golf courses, day care centers, home occupations, parks and playgrounds, primary and secondary schools, public buildings, utility substations, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses for a complete list of conditional uses in this district.

(d) **Area requirements.**

(1) Minimum lot area (served by either a public water supply or a public sewage system) 12,000 square feet.

(2) Minimum lot area (served by private well and individual septic tank system) 20,000 square feet.

(e) **Building location.**

(1) Front yard – 35 feet, or upon petition to the planning commission, a lesser or greater distance as approved by the planning commission when it has been determined that:

a. The fire marshal is satisfied that the proposed front setback will not hinder fire protection activities in any way;

b. The police chief is satisfied that the proposed front setbacks will not hinder law enforcement activities in any way;

c. The public works director is satisfied that no additional street right-of-way or utility easements will be needed and that the proposed front yard setback will not adversely affect traffic or utility service;
d. The proposed front yard setback is not incompatible with adjacent properties and will not adversely affect the civic design and arrangement of existing development;

e. The proposed front yard setback poses no threat to the public health, safety and welfare;

f. The unit meets the minimum off-street parking requirements and also has two temporary off-street parking spaces for the storage of vehicles; and

g. The petition has been duly presented and filed with city staff ten (10) days prior to the planning commission hearing.

Note: See also §16-2-107, Setbacks for Residential Infill Development.

(2) Side yard – 12 feet

(3) Rear yard – 25 feet

(4) Off-street parking. See Article X, § 103, Off-Street Parking and Loading.


16-2-43. R-3 Low/Medium Density Residential.

(a) Description and concept. This district serves the typical single-family subdivision that has full access to municipal water and sewer systems. This district should provide the bulk of single-family lots in new subdivisions. Appropriate gross densities are up to six units per acre. This district should, therefore, be compatible with all other residential districts including Planned Developments. The corresponding land use in the comprehensive plan is Residential Medium/High. R-3 developments shall provide internal traffic systems that reflect an interconnected grid system to the extent allowed by existing topography. Access to developments should be by collector or arterial level streets.

(b) Permitted uses. Typical permitted uses in this district are single-family residences and customary accessory uses or structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are churches and charitable institutions, day care center, home occupations, parks and playgrounds, public buildings, primary and secondary schools, utility substations, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.
(d) **Area requirements.**

(1) Minimum lot area

a. Interior lots, 7,000 square feet

b. Corner lots, 7,500 square feet

(2) Minimum lot width at the building line

a. Interior lots, 70 feet

b. Corner lots, 75 feet

(e) **Building location.**

(1) Front yard- 25 feet, or upon petition to the planning commission, a lesser or greater distance as approved by the planning commission when it has been determined that:

a. The fire marshal is satisfied that the proposed front setback will not hinder fire protection activities in any way;

b. The police chief is satisfied that the proposed front setbacks will not hinder law enforcement activities in any way;

c. The public works director is satisfied that no additional street right-of-way or utility easements will be needed and that the proposed front yard setback will not adversely affect traffic or utility service;

d. The proposed front yard setback is not incompatible with adjacent properties and will not adversely affect the civic design and arrangement of existing development;

e. The proposed front yard setback poses no threat to the public health, safety and welfare;

f. The unit meets the minimum off-street parking requirements and also has two temporary off-street parking spaces for the storage of vehicles; and

g. The petition has been duly presented and filed with city staff ten (10) days prior to the planning commission hearing.

*Note: See also §16-2-107, Setbacks for Residential Infill Development.*
(2) Side yard – Interior lots- 7 ½ feet
Corner lots - 12 feet

(3) Rear yard- 15 feet

(f) Off-street parking. See Article X, § 16-2-103, Off-Street Parking and Loading.

(g) Previous zoning designation. Properties previously zoned R-3 Low Density Residential are included in this zoning district.


16-2-44. R-4 Medium/High Density Residential.

(a) Description and concept. This district serves the medium to high-density development in the city that has full access to municipal water and sewer systems. This district should be a mixture of single-family homes, duplexes, apartments, and customary accessory uses near schools, employment centers, and commercial centers. Appropriate gross densities are six units per acre and above. The corresponding land use in the comprehensive plan is Residential Medium/High. R-4 developments shall provide internal traffic systems that reflect an interconnected grid system to the extent allowed by existing topography. Access to developments should be by collector or arterial level streets.

(b) Permitted uses. Typical permitted uses in this district are apartment buildings, townhouses, duplexes, single-family residences, and customary accessory uses or structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are churches, charitable institutions, clubs, lodges, day care centers, home occupations, nursing/convalescent homes, public building, bed and breakfasts, primary and secondary schools, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) Area requirements.

(1) Minimum lot area

a. Single family, 6,500 square feet
b. Duplex, 8,500 square feet
c. Multi-family, 8,500 square feet for the first two units plus 1,000 square feet per each additional unit

(2) Minimum width at the building line

a. Single family, 65 feet
b. Duplex, 75 feet

c. Multi-family, 75 feet plus 5 feet per dwelling unit

(e) Building location

(1) Front yard - 25 feet, or upon petition to the planning commission, a lesser or greater distance as approved by the planning commission when it has been determined that:

   a. The fire marshal is satisfied that the proposed front setback will not hinder fire protection activities in any way;

   b. The police chief is satisfied that the proposed front setbacks will not hinder law enforcement activities in any way;

   c. The public works director is satisfied that no additional street right-of-way or utility easements will be needed and that the proposed front yard setback will not adversely affect traffic or utility service;

   d. The proposed front yard setback is not incompatible with adjacent properties and will not adversely affect the civic design and arrangement of existing development;

   e. The proposed front yard setback poses no threat to the public health, safety and welfare;

   f. The unit meets the minimum off-street parking requirements and also has two temporary off-street parking spaces for the storage of vehicles; and

   g. The petition has been duly presented and filed with city staff ten (10) days prior to the planning commission hearing.

   Note: See also §16-2-107, Setbacks for Residential Infill Development.

(2) Side yard - 7 ½ feet

(3) Rear yard - 15 feet

(f) Deleted.

(g) Maximum floor area ratio - 35 percent

(h) Off-street parking. See Article X, § 16-2-103, Off-Street Parking and Loading.
(i) Previous Zoning Designation. Properties previously zoned R-4 Medium Density Residential and R-5 High Density Residential are included in this zoning district.


16-2-45. Reserved.


(a) Description and concept. This district is established to preserve more leisure type living associated with the residential area in proximity to the lakes to afford protection from intrusive commercial and industrial activities.

(b) Permitted uses. Typical permitted uses in this district are single-family residences and customary accessory use or structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are apartment buildings, duplexes, commercial boat docks, clubs, lodges, day care centers, churches, charitable institutions, fish hatcheries, home occupations, hotels, motels, and resorts, parks and playgrounds, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) Area requirements.

(1) Single family residence
   a. Lot area 10,000 square feet where served by either public water supply or public sewage system
   b. Minimum lot where served by private well and septic tank system 20,000 square feet
   c. Minimum lot at the building line, 100 feet

(2) Multi-family unit
   a. Maximum floor area ratio, 35 percent
   b. Minimum parcel size, two acres

(e) Building location

(1) Front yard - 35 feet, or upon petition to the planning commission, a lesser or greater distance as approved by the planning commission when it has been determined that:
a. The fire marshal is satisfied that the proposed front setback will not hinder fire protection activities in any way;

b. The police chief is satisfied that the proposed front setbacks will not hinder law enforcement activities in any way;

c. The public works director is satisfied that no additional street right-of-way or utility easements will be needed and that the proposed front yard setback will not adversely affect traffic or utility service;

d. The proposed front yard setback is not incompatible with adjacent properties and will not adversely affect the civic design and arrangement of existing development;

e. The proposed front yard setback poses no threat to the public health, safety and welfare;

f. The unit meets the minimum off-street parking requirements and also has two temporary off-street parking spaces for the storage of vehicles; and

g. The petition has been duly presented and filed with city staff ten (10) days prior to the planning commission hearing.

Note: See also §16-2-107, Setbacks for Residential Infill development.

(2) Side yard – 12 feet

(3) Rear yard – Rear yards may extend to the 400 foot elevation.

(f) Off-street parking. See Article X, § 16-2-103, Off-Street Parking and Loading.


16-2-47. PD Planned Development District.

(a) General description. The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the development of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Development (PD) is a superimposed description that provides wider latitude of design to achieve the goals stated above.

In concept, the PD is a combination of zoning designation and site plan. A detailed site plan is required for permitting. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PD may not be used simply as a method of avoiding zoning regulations. Once approved, the site plan becomes a zoning district by city ordinance in the same manner as any other zoning parcel.
The planning commission shall consider a PD proposal only if it meets one of the following threshold criteria:

(1) The PD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.

(2) The PD would further the city’s goal of providing housing for all economic segments of the city and its Planning Area Boundary.

(3) The PD involves a parcel in which flexibility would allow high quality or innovative urban design.

(4) The PD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.

(5) The PD design results in a minimum of 30 percent of the total development being reserved as permanent open space.

(b) Application process. The applicant for a Planned Development permit shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

(1) Pre-application conference. Each prospective applicant shall confer with city staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.

   a. The boundaries of the property

   b. Existing easements and covenants affecting the property

   c. Physical characteristics such as drainage, topography, vegetation and existing structures.

   d. Development characteristics such as surrounding land uses, existing streets and availability of utilities.

   e. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

(2) Pre-submission to the planning commission. The applicant may elect to present a sketch plat of the proposed PD to the Hot Springs Planning Commission. Pre-submission of the sketch plat to the planning commission is strictly to receive comments and/or suggestions from the commission. Approval of the sketch plat by the commission shall not be binding.
(3) Site plan submittal. No less than thirty days prior to the planning commission meeting at which the proposed planned development is to be reviewed, the applicant shall submit ten (10) copies of the proposed site plan to the staff. The submittal shall include the following as a minimum. Any application that is incomplete in any respect, will be returned to the applicant for appropriate corrections. The commission will not review an incomplete application.

a. A site plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® Release 2000 or higher. Survey information shall be prepared by a professional surveyor (P.S.) Drainage and utility calculations shall be prepared by a professional engineer (P.E.) The stamps of the individuals responsible for the various elements shall be affixed to the drawing; and,

b. Building footprints for the individual buildings to be included in the PUD; and,

c. Topographic contours at two foot intervals; and,

d. All easements, existing or proposed; and,

e. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated; and,

f. Proposed landscaping; and,

g. Open space and community facilities, if any, proposed as part of the PUD; and,

h. Location of all existing and proposed private and public utilities; and,

i. Name(s) of the owners of the proposed project and their agent, if any; and,

j. Zoning classifications of adjoining properties; and,

k. Site improvement drawings as necessary to support the proposals outlined in the site plan.

(c) **Uses Permitted.** The PD submittal will include a listing of the proposed land uses and the amount of land devoted to each. This list will constitute part of the zoning component of the PD. No other land uses will be allowed unless the PD is revised through a rezoning process.

(d) **Regulations.**
(1) Lot size: No minimum district sizes are established, per se, however, Planned Developments of less than two acres will only be considered for residential purposes. Planned Developments greater than two acres in size may contain mixed uses. Housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features. The proposed lots and the type of development (i.e., housing, mixed use) for each shall be clearly depicted.

(2) Open space reservation: Land not used by buildings, accessory structures, and yards, but required by the zoning district in which the site is located shall be maintained as open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure, a performance guarantee of sufficient surety determined by the city engineer shall be posted with the city for completion of said open space improvements. The site plan shall clearly depict the amount of land to be maintained as permanent open space.

(3) Development density: The site plan shall clearly depict the proposed density by land use category.

(4) Property owners’ association: The developer shall submit a set of covenants running with the land, providing for an automatic membership in the property owners’ association, to be an incorporated nonprofit organization, operating under recorded land agreements designed and intended to exist in perpetuity, through which each property owner in the Planned Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Development.

(5) Responsibility for open space: Nothing in this section of the Code shall be construed as assigning or assuming any responsibility or liability on the part of the city of Hot Springs, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Development desires to dedicate certain land areas to the city for public parks and recreational facilities, and the city approves the nature and location of such lands, and accepts the dedicated areas, the city shall be responsible for the operation and maintenance of these lands and properties.

(6) Common open spaces: The size, shape, dimension and location of the common open spaces shall be determined by the planning commission in conjunction with the developer or subdivider, with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.
Common open space shall be guaranteed by a restrictive covenant, describing the open space and its maintenance and improvement, running with the land for the benefit of the residents of the Planned Development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

(7) Preservation plan: In order to minimize the disturbance of the natural environment, a general preservation plan shall be required at the time of preliminary plat submission; this shall show the specific type, size and nature of the preservation area. The planning commission shall review the preservation plan in conjunction with the review of the preliminary plat.

The preservation of the natural amenities within the Planned Development, including topography, trees, ground cover, natural bodies of water, and other significant natural features, shall be given due consideration. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. Excessive site clearing of topsoil, trees and natural features before the commencement of building operations shall be discouraged by the planning commission. The applicant shall provide evidence as how these objectives are to be met.

(8) Transportation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within Planned Development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the planning commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

(9) Land subdivision: In the construction and installation of all subdivision improvements in the Planned Development, said improvements shall conform to all requirements and standards as set forth in the city’s subdivision regulations, unless exception to the requirements is recommended and approved by the planning commission.

If the owners in the future should request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the city, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.
(e) **Review process.** The planning commission shall review the proposed PD after proper submittal of all documents and review by the appropriate city staff. In reviewing any proposal, the planning commission shall determine that the PD will:

1. Provide public benefits that would not be achievable through the normal zoning regulations.
2. Not create undue or unmitigated negative traffic impacts.
3. Be compatible with surrounding developments.
4. Be compatible with the city’s future land use plan.
5. Not endanger the public health, welfare or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is located.
6. Be of a character and contain such uses that are needed in the area of the proposed project.

(f) **Board of directors approval.** Planned Developments represent zoning districts and must be approved by the board of directors. Upon approval by the planning commission, all recommendations shall be submitted to the Hot Springs Board of Directors for approval. The board of directors will not consider any revisions to the site plan or development proposal that have not been reviewed by the planning commission. The planning commission must approve any contemplated deviation from the approved site plan. Any dedications of streets or easements to the city must be included in the ordinance approving the PD.

(g) **Amendments.** Following board approval the staff may approve minor revisions to the site plan if:

1. No changes are made to either the access or the egress to the PD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.
8. Retail and office space is not increased by more than five percent.
(9) No open space is dedicated for public maintenance.

If there is disagreement about the administration of the above, or if the staff is unsure of its authority, proposed revisions shall be submitted to the planning commission.


(a) Description and concept. The Village District allows the planning and development of self-sustaining, mixed use communities with distinct identities. Normally, a separate zoning district will exist in each village development; however, multiple villages could exist within a single district if their scale and design were appropriate. The Village District differs from a Planned Development insofar as the site plan requirements are concerned. Master plan approval is required for a Village District Zoning. The purpose of the master plan, however, serves to determine housing densities, land use allocations, the overall traffic system, and open space instead of a precise design of the development. This allows the developer more flexibility in phasing and adapting to market conditions. It also reduces the need for extensive plan amendments requirements for adjustments to the plan. By their nature, village districts will be large scale developments with enough land to permit buffers with adjoining neighborhoods. The key issues in locating Village Districts are access, connections to traffic arteries, and compatibility with the future land use plan.

(b) Minimum size of development. The minimum size of any development within a Village Zoning District shall be 40 (forty) acres.

(c) Master plan required. Each development within a Village Zoning District shall require a master plan approved by the planning commission. Exact building footprints are not required; however, the master plan shall be of sufficient detail to demonstrate clearly the following.

1. Street layout showing exact location of collector and higher level streets.
2. Approximate location of residential streets.
3. Proposed open space.
4. Land uses proposed. Residential uses shall indicate proposed densities for each neighborhood group. Commercial, institutional, and manufacturing uses shall indicate gross square footage in each building group.
5. Location and proposed layout of village center(s)
6. Adjacent land uses.
7. Location of parks, trails, and other public uses.
(d) **Residential densities.** The aggregate density for all residential areas combined shall not exceed six units per gross acre of land designated for residential development.

(e) **Land use allocations.** The total of all non-residential land uses, excluding open space, in the village development shall not exceed 20 (twenty) percent of the total area of the development.

(f) **Design standards.** There are no set standards for street widths, setbacks, or lot coverage. These will be approved on a case-by-case basis by the planning commission based on recommendations from each municipal department. No designs will be approved which, in the estimate of a particular department head, will adversely affect the public health, safety and welfare of the citizens of Hot Springs.

(g) **Buffer required.** Each development proposed in a Village Zoning District shall include, on all sides, an open-space buffer of not less than 75 (seventy-five) feet. This buffer shall be maintained in perpetuity and may be used as utility or drainage easements.

(h) **Conditions of approval.** The planning commission shall review each master plan and either approve or disapprove the plan based on the following criteria.

1. Is the capacity of the existing utility system capable of serving the proposed development?
2. Will the development create or add to existing storm water drainage on adjacent or downstream properties?
3. Will the development meet the requirements of the city’s storm water quality management plan?
4. Is the existing transportation network capable of providing access to the proposed development?
5. Will the proposed development create instability in adjacent neighborhoods?
6. Does the proposed neighborhood represent good civic design?
7. Can the proposed development be adequately served by existing community facilities? If not, are additional facilities planned as part of the proposed development?
8. Does the proposed development represent an efficient use of the land?
9. What mitigating public benefits, if any, will accrue through the completion of this development?
10. What contingency plans exist in the event that the development should fail to meet its projected marketing goals?

(a) Concept and description. This district promotes infill development in existing neighborhoods of the city. It also encourages innovative adaptive reuse projects. In order to protect neighborhood stability, the planning commission carefully monitors development carried out in this district. The district exists to achieve the plan objectives of promoting positive development and redevelopment of mature areas of the city. Developments carried out in the district should promote the neighborhood or village image of the area. To this end, it is important that developments carried out in this district are in keeping with the character of the surrounding neighborhood. To this end, the planning commission shall carefully evaluate proposals according to the following standards:

1. Will the physical components of the proposed development, i.e. size, height, bulk, type of materials, and architectural style match or complement the surrounding development?

2. Will the development represent a logical addition to, or extension of, surrounding development?

3. Will the intensity of the development, i.e. traffic, parking, hours of use, level of business activity, noise levels, and signage be consistent with the current status of the neighborhood?

4. Would the proposed development enhance the viability of the neighborhood and not simply be proposed to circumvent the goals and objectives of the future land use plan?

(b) Area requirements. There shall be no minimum limit to the size of this zone.

(c) Permitted uses. Typical permitted uses in this district are single-family residences, duplexes, apartments, and customary accessory uses and structures. See Article XI, § 16-2-152. Table of Permitted Uses for a complete list of permitted uses in this district.

(d) Conditional approval. All non-residential uses shall be subject to review and approval by the commission and the commission may approve proposed uses subject to such limitations and conditions as to development and operation as it deems desirable to carry out the objectives of this district. See Article XI, § 16-2-152. Table of Permitted Uses for a complete list of conditional uses in this district.

Special attention shall be given to the nature and amount of non-residential activity and the appearance of the buildings and accessory facilities including parking areas, fences and signs, and to the landscape treatment of the site. There shall be no outside display of merchandise visible from the street or adjoining residential areas.
(e) **Development plan.** For all non-residential uses, site plans showing the location of buildings, accessory structures, parking areas, walks, drives, walls or fences, signs, the proposed landscape treatment and provisions for drainage, shall be submitted for planning commission approval. In addition, architectural drawings, clearly delineating the design and appearance of new buildings or of proposed remodeling of existing buildings as well as accessory structures including fences and signs also shall be submitted for commission approval.

(f) **Building limitations.** Floor area ratio shall be a maximum of 40% for new construction or expansion of an existing building. This provision is not subject to variance by the city planning commission or the board of zoning adjustment. (Ord. No. 5905, §5, 11-20-2012)

(g) **Building location.**

(1) Front yard - Front yard setbacks are flexible according to the design proposed by the applicant. This will facilitate developments with parking proposed for the rear yard or side yards. The following process controls the establishing of front yard setbacks in the CTR zone:

a. For front yard setbacks of 25 feet or greater, no further approval is required.

b. For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

   i. A site plan shall be submitted for planning commission review at least 10 days prior to the next planning commission meeting.

   ii. The site plan shall be drawn to scale and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, alignment of adjacent buildings, dumpster locations, landscaping, signage, and lighting.

   iii. A written justification shall be submitted by the developer outlining why the proposed front yard setback is in harmony with other development in the area.

   c. The planning commission shall consider the following in approval of front yard setbacks:

      i. That there are no existing state or municipal plans that will require additional street or utility rights-of-way.

      ii. That the proposed setback will not be out of alignment with adjoining properties.
iii. That the proposed setback will not pose a threat to public health, safety, and welfare.

iv. That the proposed setback will otherwise promote good civic design in keeping with the health, safety and public welfare of the citizens of Hot Springs.

(2) The minimum offset from side and rear lot lines shall be not less than that of the adjacent residential zone unless specifically modified by the commission as part of site plan approval.

Note: See also §16-2-107, Setbacks for Residential Infill Development.

(h) Off-street parking. See Article X, § 16-2-103, Off-Street Parking and Loading.

(i) Vehicles limitation. No commercial vehicles, other than panel trucks or vans of not over 3/4 ton capacity, shall be used in connection with the permitted uses. No commercial vehicles may be parked in front of the required building setback line. Commercial vehicles remaining on the site overnight shall be kept within buildings or behind solid walls or fences at least 6 feet in height.

(j) Exterior illumination. All exterior illumination shall be so installed as to retain the light within the property.

(k) Outdoor display or storage. The outdoor display or storage of goods or materials is prohibited unless specifically approved.

(l) Certificate of compliance. No non-residential use shall be permitted until a certificate of compliance has been issued by the commission or its authorized representative indicating that architectural and site requirements have been met.

16-2-50. Reserved.

16-2-51. C-1 Central Business District.

(a) Concept and description. The Central Business District consists of that portion of the city commonly referred to as “downtown.” Because of its unique historical and cultural characteristics, the district enjoys benefits not applied to other zoning districts. These include no setbacks requirements. Also, off-street parking and landscaping are not required although the planning commission does encourage them where possible in order to improve the functioning and appearance of the area. In return, special conditions control the reconstruction of any buildings lost or demolished in the area. The planning commission may recommend expansion of the C-1 District from time to time; however, its boundaries remain fairly static and there is only one C-1 District in the city. Development in the district will focus heavily on historic development, thus multiple approvals and a long approval period are to be expected. The C-1 District is the most intensively developed district in the city and a wide variety of commercial and entertainment is allowed. Also, residential uses are encouraged in the district in order to utilize upper floors and create a resident population to support the downtown area.
(b) Permitted uses. Typical permitted uses in this district are retail appliance repair and sales, banks and financial offices, barber and beauty shops, bath houses and spas, business machine sales and services, commercial entertainment and recreation, day care centers, duplication shop, laundry and dry cleaning services, medical and dental offices and clinics, museums, galleries, theaters, offices, restaurants, the retail sale of food, clothing, home furnishings, and sporting goods, variety, drug, liquor and department stores, newsstands, adult uses, taverns, nightclubs, and customary accessory uses and structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are bus terminals, car washes, churches, charitable institutions, clubs, lodges, community centers, convention halls, hospitals, commercial laundry plants, mortuaries, funeral homes, commercial parking lots/structures, printing and publishing, business, vocational, or art schools or colleges, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) Area requirements. No limitations.

(e) Building location. No limitations.

(f) Maximum height of buildings. No limitations.

(g) Maximum floor area ratio. No limitations.

(h) Off-street parking and loading. None required.

(i) Exterior illumination. All exterior illumination shall be so installed as to retain the light within the property.

(j) Outdoor display or storage. The outdoor display or storage of goods or materials is prohibited unless specifically approved.

(k) Historic District. The Hot Springs Historic District overlays a portion of the C-1 zoning district. Buildings and structures within the Historic District must conform to all requirements and regulations of the Historic District. When the requirements or regulations of the Historic District conflict with the requirements or regulations of the C-1 Central Business District, the Historic District regulations shall supercede the zoning district requirements or regulations.

16-2-52. C-2 General Business District.

(a) Concept and description: The General Business District represents a zone for a wide variety of retail business and services that serve a trade area but do not require such a central location as the central business district. This district serves the residents of the planning area boundary and the motoring public. This district also serves the tourist industry that is so vital to the Hot Springs area. Thus, these businesses are found on the fringe of the central business district, along major streets and arteries, at crossroads and near wholesale or industrial
areas. C-2 Businesses are most often located on less expensive real estate, allowing parking spaces, loading areas, landscaping, increased traffic, and lower concentrations of buildings. Access, circulation, intensity of uses, and the limitation of the trade area to the planning area boundary are key issues in determining the appropriateness of the C-2 Districts.

(b) *Permitted uses.* Typical permitted uses in this district are retail appliance repair and sales, banks and financial offices, barber and beauty shops, bath houses and spas, business machine sales and services, commercial entertainment and recreation, day care centers, duplication shop, laundry and dry cleaning services, medical and dental offices and clinics, museums, galleries, theaters, offices, restaurants, the retail sale of food, clothing, home furnishings, and sporting goods, variety, drug, liquor and department stores, newsstands, adult uses, taverns, nightclubs, and customary accessory uses and structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) *Conditional uses.* Typical conditional uses in this district are bus terminals, car washes, churches, charitable institutions, clubs, lodges, community centers, convention halls, hospitals, commercial laundry plants, mortuaries, funeral homes, commercial parking lots/structures, printing and publishing, business, vocational, or art schools or colleges, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses for a complete list of conditional uses in this district.

(d) *Lot dimensions.* No limitations.

(e) *Building location.*

(1) Front yard setbacks are flexible according to the design proposed by the applicant. This will facilitate developments with parking proposed for the rear yard or side yards. The following process controls the establishing of front yard setbacks in the C-2 zone:

a. For front yard setbacks of 25 feet or greater, only a building permit is required.

b. For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

i. A site plan shall be submitted for planning commission review at least 10 days prior to the next planning commission meeting.

ii. The site plan shall be drawn to scale and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, alignment of adjacent buildings, dumpster locations, landscaping, signage, and lighting.

iii. A written justification shall be submitted by the developer outlining why the proposed front yard setback is in harmony with other development in the area.
(c) The planning commission shall consider the following in approval of front yard setbacks:

i. That there are no existing state or municipal plans that will require additional street or utility rights-of-way.

ii. That the proposed setback will not be out of alignment with adjoining properties.

iii. That the proposed setback will not pose a threat to public health, safety, and welfare.

iv. That the proposed setback will otherwise promote good civic design in keeping with the health, safety and public welfare of the citizens of Hot Springs.

(2) Side yard - Corner lots – 12 feet.

(3) Rear yards - In cases where the rear lot lines abut a residential district, the minimum offset shall be 25 feet. In individual cases, this restriction may be reduced at the judgment of the commission where it is indicated as desirable.

(f) Maximum height of buildings. No limitation.

(g) Maximum floor area ratio. Maximum F.A.R. = 0.60

(h) Off-street parking and loading - See Article X, § 16-2-103, Off-Street Parking and Loading.

(i) Exterior illumination. All exterior illumination shall be so installed as to retain the light within the property.

(j) Outdoor display or storage. The outdoor display or storage of goods or materials is prohibited unless specifically approved.

(k) Previous zoning designation. Properties previously zoned C-2 General Business and C-3 Shopping Center Zone are included in this zoning district.

16-2-53. Reserved.
16-2-54. C-3 Office/Neighborhood Commercial.

(a) Concept and description: The C-3 District exists to allow limited commercial along with office development in proximity to residential areas. Further, the district exists to promote mixed-use developments that increase the use of non-vehicular traffic. C-3 districts also serve as proper buffers between low density residential and higher intensity commercial uses. Building masses should be modest and in scale with residential developments. Although primarily serving surrounding neighborhoods, C-3 businesses must rely upon the migration of customers from outside the neighborhood boundaries. Access and traffic circulation are key issues in their location.

(b) Permitted uses. See Article XI, § 16-2-152, Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. See Article XI, § 16-2-152, Table of Permitted Uses, for a complete list of conditional uses in this district.

(Ord. No. 5905, §1, 11-20-2012)

(d) Area requirements.

(1) Front yard setbacks are flexible according to the design proposed by the applicant. This will facilitate developments with parking proposed for the rear yard or side yards. The following process controls the establishing of front yard setbacks in the C-3 zone:

a. For front yard setbacks of 25 feet or greater, only a building permit is required.

b. For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

   i. A site plan shall be submitted for planning commission review at least 10 days prior to the next planning commission meeting.

   ii. The site plan shall be drawn to scale and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, alignment of adjacent buildings, dumpster locations, landscaping, signage, and lighting.
iii. A written justification shall be submitted by the developer outlining why the proposed front yard setback is in harmony with other development in the area.

c. The planning commission shall consider the following in approval of front yard setbacks:

i. That there are no existing state or municipal plans that will require additional street or utility rights-of-way.

ii. That the proposed setback will not be out of alignment with adjoining properties.

iii. That the proposed setback will not pose a threat to public health, safety, and welfare.

iv. That the proposed setback will otherwise promote good civic design in keeping with the health, safety and public welfare of the citizens of Hot Springs.

(2) Side yard – 5 feet

(3) Rear yard – 25 feet

(e) Maximum height of building. 50 feet when the building is located on the building line. One foot of additional height may be permitted for every one foot the building is setback from the building line.

(f) Maximum floor area ration. Maximum F.A.R. = 0.50 (Ord. No. 5905, §4, 11-20-2012)

(g) Off-street parking and loading. See Article X, § 16-2-103, Off-Street Parking and Loading.

(h) Exterior illumination. All exterior illumination shall be so installed as to retain the light within the property.

(i) Outdoor display or storage. The outdoor display or storage of goods or materials is prohibited unless specifically approved.

(j) Previous zoning designation. Properties previously zoned O-1 Quiet Business and C-4 Neighborhood Commercial are included in this zoning district.
16-2-55. C-4 Regional Commercial/Open Display District.

(a) Concept and description: The C-4 represents the largest scope of commercial development in the city. The market population extends beyond the planning area boundary to a regional trade area defined by such economic standards as Reilly’s Law of Retail Gravitation, which is used to calculate the point at which customers will be drawn to one or another of two competing centers. C-4 districts should be located at major arterial interchanges so that traffic will not normally proceed into the densely populated area of the city. This district allows for regional shopping centers and so-called “big box” developments. It is also appropriate for business requiring large areas of open-display that require a large amount of land for product storage and traffic maneuvering. Potential conflicts with residential areas, control of large volumes of traffic, access to freeways and highways, and intensity of development are key issues in the location of C-4 districts.

(b) Permitted uses. Typical permitted uses in this district are the permitted uses in all the commercial districts, and open-display uses such as vehicle sales and uses that are regionally significant such as shopping malls and large retail discount stores. Customary accessory uses and structures are also permitted uses. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are amusement parks, bus terminals, recreational vehicle parks or campgrounds, car washes, churches, charitable institutions, clubs, lodges, community centers, hospitals, commercial laundry plants, self-storage facilities, manufactured home sales, mortuaries, funeral homes, commercial parking lots/structures, printing and publishing, race tracks, resorts, business, vocational, or art schools or colleges, animal clinics and kennels, and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses for a complete list of conditional uses in this district.

(d) Area Requirements.

(1) Front yard setbacks are flexible according to the design proposed by the applicant. This will facilitate developments with parking proposed for the rear yard or side yards. The following process controls the establishing of front yard setbacks in the C-4 zone:

a. For front yard setbacks of 25 feet or greater, only a building permit is required.

b. For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

i. A site plan shall be submitted for planning commission review at least 10 days prior to the next planning commission meeting.
ii. The site plan shall be drawn to scale and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, alignment of adjacent buildings, dumpster locations, landscaping, signage, and lighting.

iii. A written justification shall be submitted by the developer outlining why the proposed front yard setback is in harmony with other development in the area.

(c) The planning commission shall consider the following in approval of front yard setbacks:

i. That there are no existing state or municipal plans that will require additional street or utility rights-of-way.

ii. That the proposed setback will not be out of alignment with adjoining properties.

iii. That the proposed setback will not pose a threat to public health, safety, and welfare.

iv. That the proposed setback will otherwise promote good civic design in keeping with the health, safety and public welfare of the citizens of Hot Springs.

(2) Side yard - 5 feet. In cases where side and/or rear lot line abut a residential zone, minimum of 25 feet.

(3) Rear yard – 25 feet

(f) Maximum height of building. 50 feet when the building is located on the building line. One foot of additional height may be permitted for every one foot the building is setback from the building line.

(g) Maximum floor area ratio. Maximum F.A.R. = 0.70

(h) Off-street parking and loading. See Article X, § 16-2-103, Off-Street Parking and Loading.

(i) Minimum size of new zones. Two acres

(j) Previous zoning designation. Properties previously zoned C-5 Tourist Commercial are included in this zoning district.

16-2-56. Reserved.
16-2-57. M-1 Light Manufacturing.

(a) Description. This district is for clean, quiet industries on ample landscaped sites with plenty of room for parking and plant expansion. This district is also for rail and truck terminals along with warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. These sites share access to highways and railroads; they are protected from the noise, dirt and hazards of more objectionable industries.

(b) Permitted uses. Typical permitted uses in this district are the sale of building materials, food and agricultural products processing plants, heavy equipment sales and services, ice and cold storage plants, commercial laundry plants, the manufacturing, assembly, treatment, storage, display and shipping of prepared materials such as electronic equipment, plastics, textiles, and metal or wood working, printing and publishing, restaurants, adult uses, warehouses, wholesale sales and storage, and customary accessory uses and structures. Single-family residential shall also be a permitted use in this district. (Ord. No. 5609, §1, 11-19-2007) See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

(c) Conditional uses. Typical conditional uses in this district are animal kennels or pounds, storage of bulk liquids or explosives, truck or rail terminal and similar uses and accessory uses deemed to be in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) Building location.

(1) Front yard - 25 feet

(2) Side and rear yard - 25 feet

(3) Required setback or offset from a lot line may be reduced or eliminated when necessary to provide for loading or unloading from a railroad siding on adjacent property.

(e) Maximum floor area ratio. Maximum F.A.R. = 0.70

(f) Off-street parking and loading. See Article X, § 16-2-103, Off-Street Parking and Loading.

(g) Previous zoning designation. Properties previously zoned M-1 Wholesaling and Warehousing and M-2 Limited Manufacturing are included in this zoning district

16-2-58. M-2 Heavy Manufacturing.

(a) Description. This zone is for the most intensive industries and those making products from raw materials. Regulations are the minimum for mutual protection between industries.
Permitted uses. Typical permitted uses in this district are any use permitted in the M-1 Light Manufacturing District and the majority of uses permitted in the C-4 Regional Commercial/Open Display District. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.

Conditional uses. Typical conditional uses in this district are the manufacturing of hazardous chemicals, automobile wrecking, junk, and salvage yards, the manufacture of cement, lime, gypsum, or plaster of paris, the distillation or manufacture or refining bones, coal, or tar asphalt, the manufacture and/or storage of explosives, fat, grease, lard or tallow rendering or refining, the manufacturing of fertilizer, garbage reduction by incineration, garbage, offal or dead animal reduction or dumping, glue or size manufacture, paper manufacturing, petroleum or asphalt refining, petroleum products terminal, smelting of tin or copper, storage or processing of rawhides or fur, stockyards, or the slaughtering of animals. Single-Family residential shall also be a conditional use in this district. (Ord. No. 5609, § 2, 11-19-2007) See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

Building location.

1. Front yard - 50 feet
2. Side and rear yard - 50 feet
3. Required setback or offset from a lot line may be reduced or eliminated when necessary to provide for loading or unloading from a railroad siding on adjacent property.

Maximum floor area ratio. Maximum F.A.R. = 0.60

Off-street parking and loading. See Article X, § 16-2-103, Off-Street Parking and Loading.

Previous zoning designation. Properties previously zoned M-3 General Manufacturing are included in this zoning district


General description. This district is designed to protect the agricultural nature of land currently located inside the city limits. These areas may undergo gradual transition to urban uses; however, this is expected to occur in a planned manner. In the interim, it is expected that uses in the agricultural zone will be restricted to those uses normally associated with agricultural enterprises and supporting residential and accessory uses.

Permitted uses. Typical permitted uses in this district are single-family residences, field, row and tree crops, and customary accessory uses and structures. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of permitted uses in this district.
(c) **Conditional uses** – Typical conditional uses in this district are churches, country clubs, golf courses, day care centers, nursing and convalescent homes, parks and playgrounds, primary and secondary schools, and similar uses and accessory uses in character with the zone. See Article XI, § 16-2-152. Table of Permitted Uses, for a complete list of conditional uses in this district.

(d) **Area requirements.** Minimum lot area shall be one acre.

(e) **Building location.**

1. Front yard - 35 feet.
2. Side yard – 15 feet
3. Rear yard – 35 feet

(f) **Off-street parking.** Agricultural, forestry, and conservation uses shall provide sufficient off-street parking and loading areas necessary for the conduct of the use. No parking or loading area shall infringe upon a public right-of-way or street. For residential uses, at least two off-street parking spaces shall be provided per dwelling unit.

(g) **Previous zoning designation.** Properties previously zoned A-1 Agriculture and Forestry, and A-3 Conservation and Forestry are included in this zoning district

16-2-60–16-2-63. Reserved.

**ARTICLE VII. OVERLAY DISTRICTS**

16-2-64. Seasonal Parking Overlay District.

(a) **Description.** This overlay district is intended to permit the parking of automobiles of persons attending races at Oaklawn Park Race Track on private property on days when live races are held without otherwise affecting the restrictions of the basic zoning districts over which this is superimposed.

The SP-Seasonal Parking Overlay District shall include certain properties lying within an area bounded on the east by Central Avenue, on the south by Leonard Street, on the west by Seventh Street and on the north by Garrens Street extended as more particularly described by a plat attached hereto and made a part hereof.

(b) **Permitted uses:**

1. Uses permitted in the zoning district over which this overlay district is superimposed.
(2) Seasonal parking on private property for which a fee may be charged subject to the requirements of (c). The parking limitations of the zoning district over which this is superimposed shall not apply.

(c) Requirements for seasonal parking:

(1) Seasonal parking lots shall comply with such ordinance(s) as may now or hereafter be adopted by the Hot Springs Board of Directors governing seasonal parking lots in the vicinity of Oaklawn Park. Provided, further, that any parking lot located in a commercial zone and otherwise approved and operated as a commercial parking lot shall, in addition, comply with all ordinances and codes governing permanent commercial parking lots.

(2) Parking shall be permitted only on days live races are held. There shall be no overnight parking.

(3) Only private automobiles, motor homes, buses, and pick-up trucks no larger than 1 ton shall be permitted. Trailers and commercial type trucks over 1 ton shall not be permitted.

(d) Designation on zoning map. The boundaries of this overlay district shall be shown on the zoning map by a distinctive symbol and the letters SP in a manner that will clearly indicate its relationship to the basic zoning district over which it is superimposed.

(e) Specifications:

(1) Limitation. No person, firm or corporation shall operate a seasonal parking lot, providing parking to patrons of Oaklawn Jockey Club (Oaklawn Park) on a commercial basis, other than within the area zoned SP Seasonal Parking and after issuance of a license as provided for herein.

(2) Application. The city manager or his designee shall issue a seasonal parking lot license to any person, firm, or corporation who shall submit an application therefore on a form prescribed by the city manager or his designee, which shall include the following:

a. The name, address and telephone number of the person, firm or corporation which will operate the proposed seasonal parking lot.

b. A plat of the proposed seasonal parking lot indicating its location, the number of vehicles proposed to be parked and ingress and egress to street right-of-way.

c. Evidence from the city planning department that the proposed seasonal parking lot is zoned SP Seasonal Parking.
(3) Term. Except as provided hereinafter, the seasonal parking lot license herein authorized shall extend only through the live horse racing season at Oaklawn Park of the year in which the license is issued and shall expire at the conclusion of the live horse race meet. Provided, however, that the license term for any commercial parking lot located in a commercial zone and otherwise approved and operated as a permanent commercial parking lot shall extend through the calendar year in which the license is issued. Properties located in the Seasonal Parking Overlay District and are located in a commercial zoning district must have paved parking.

(4) Regulations. Each licensee hereunder shall be subject to the following:

a. There shall be displayed on each seasonal parking lot a sign constructed of a permanent material not less than two (2) feet high and three (3) feet wide, lettered with paint or plastic lettering in clear block print not less than four (4) inches high, not less than three (3) feet from the ground and so situated that it is clearly visible from the point of ingress and egress to the public right-of-way; said sign shall be posted prior to beginning business each day and shall include the name of the licensee, the licensee's license number, the words "Parking Today," and the price charged for parking that day, which may not be increased once posted.

b. Persons may solicit vehicles to park on seasonal parking lots, but each such person must have both feet on the sidewalk or curb adjacent to any public right-of-way to which solicitations are directed and any sign or flag if held by such person must state in lettering not less than four (4) inches high the price charged for parking that day.

c. No vehicle may be removed from a seasonal parking lot to another address after it has been left there by the owner, except as necessary, to permit other vehicles to enter or to exit the parking lot. Vehicles may be parked temporarily on city streets other than Central Avenue for periods not exceeding fifteen (15) minutes as necessary to allow other vehicles to enter or to exit a parking lot; provided that no licensee may park on city streets more than five (5) vehicles or five (5) percent of the number of vehicles for which his parking lot is licensed, whichever is greater; and provided, further, that neither pedestrian nor vehicular traffic may be obstructed at any time.
d. Each licensee is granted the right to have any vehicle towed from licensee's lot that has not paid the price for the day's parking or that has been locked or left without keys and impedes the normal functions of the lot. Any towing charges incurred hereunder shall be assessed against the driver of the vehicle.

e. Every licensee shall issue a receipt to the owner of each vehicle as it enters his lot for parking. The receipt shall contain at minimum the name of the lot and its location.

During the live racing season, the regulations set forth in this ordinance shall also apply to any permanent commercial parking lots located within the SP Seasonal Parking overlay district. In addition, permanent commercial parking lots shall comply with all other ordinances and codes governing permanent commercial parking lots.

(5) Tax. Prior to issuance of a license hereunder, the applicant shall pay to the city the current occupation tax provided by the Hot Springs Code for seasonal parking lots. Provided, however, that any parking lot located in a commercial zone and otherwise approved and operated as a permanent commercial parking lot may pay the occupation tax for a commercial parking lot.

(6) Penalty for violation. The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

16-2-65. Malvern Avenue Overlay District.

(a) Purpose. The purpose of establishing this district is to protect and enhance the visual appearance and character, promote traffic safety and maintain harmony with adjacent residential neighborhoods along Malvern Avenue. More particularly, the purpose of this district is to:

(1) To allow land use patterns compatible with present and future traffic capacity for the Malvern Avenue.

(2) To create a visually pleasing atmosphere along a major corridor in the city, especially as a means to promote a positive image of the city to visitors and residents alike.

(3) To minimize the number of curb cuts along designated highways so that the roadways will function at an efficient level of service.
(4) To establish land uses that will facilitate transition of areas from less to more intense land uses along Malvern Avenue without the undesired effects of small lot strip development.

(5) To set standards for landscaping, signage, design and parking lot lighting which are in keeping with the intent of this overlay district.

(b) **District name and boundaries.** The district shall be known as the Malvern Avenue Overlay District and shall extend from Grand Avenue to the city limits as depicted on the map entitled “Malvern Avenue Overlay District.”

(c) **Application of district regulations.** The regulations in this overlay district shall be in addition to and shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Therefore, all property within this overlay district will have requirements of both the underlying and overlay zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between the overlay district requirements and other city ordinances, the overlay requirements shall control. Single-Family Residences constructed on lots of record are exempt from these Malvern Avenue Overlay District Regulations. (Ord. No. 5888, §1, 7-17-2012)

(d) **Site design and development standards.**

(1) **Reserved**

Editor’s Note: §16-2-65(d)(1) adopted by Ord. No. 5188 was repealed by Ord. No. 5888, §2, 7-17-2012
(2) Green space. A minimum of ten percent (10%) of landscaped green space exclusive of right-of-way shall be provided on each development site. (Ord. No. 5888, §3, 7-17-2012)

(3) Parking lots. All parking lots for development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5’) from any side property line.

(4) Landscaping treatment. Landscaping shall be required which is sufficient to provide soil stability and promote suitable drainage. Tree species planted within the overlay district should be consistent with other species present, preferably native. Trees shall be one-and-one-half (1 ½”) inches DBH at planting with an expected height of sixty feet (60’) or more at maturity. Species selection shall be at the discretion of the developer but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.) plant materials shall be replaced at the owner’s expense.

(5) Curb cuts. One (1) curb cut shall be allowed per two hundred feet (200’) of frontage. No curb cuts shall be allowed within one hundred feet (100’) of any intersection. Shared driveways will be required for adjacent properties that are under construction at the same time.

(6) Lighting. All parking and loading areas shall have lighting. Lighting facilities shall be designed so that there is no light trespass on adjacent properties, roadways, or other areas. Lighting shall not exceed thirty-five feet (35’) in height.

(7) Screening. All mechanical and utility equipment and trash enclosures shall be screened in the following manner:

a. All mechanical and utility equipment on side of the building and/or on the ground shall be screened by fencing and/or vegetation if visible from the highway or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.

b. Trash enclosures shall be screened on three (3) sides with the access not visible from the highway.

(8) Building consistency. All nonresidential buildings will have a masonry façade extending a minimum of eight feet on each sidewall.

(9) Utilities. Above-ground utilities may be located at the rear property line. In the event it is not feasible to place utilities at the rear property line, utilities shall be placed underground.
(10) Signage. All signs shall be ground-mounted and shall be no more than eight feet in height. The following signs are prohibited:

a. Signs that are animated, blink, flash, or contain moving digital copy. (Ord. No. 5774, §1, 4-20-2010)

b. Banners, streamers, pennants, strobe lights, balloons and revolving signs.

c. Neon lighting or mini-lights as an adornment on any building, except as part of an approved sign.

d. Portable signs, trailer signs, signs painted on vehicles parked adjoining public streets, sandwich board signs, signs painted upon benches or temporary promotional signs.

e. Any sign or collection of signs covering more than twenty-five percent (25%) of a building window, including, but not limited to, storefront windows and display windows.

f. New billboards and pole signs, pylon signs, or other off-site signage.

(c) Review procedure. All development within the corridor overlay district shall be reviewed by the Planning Department Staff. Staff shall not be authorized to deny a proposed Malvern Avenue Overlay Development plan, but shall refer any development plan not approved to Planning Commission for final consideration. (Ord. No. 5888, §4, 7-17-2012)

(f) Multiple building sites. In the case of nonresidential development multiple building sites, whether one or more platted lots, the requirements of this section shall apply to the development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this section.

Editor’s Note-Ord.No 5774, approved 4-20-2010 repealed section 16-2-65(g) formally codified in this section.
16-2-66. MH Manufactured Home Overlay.

(a) Description. This overlay district is intended to permit the placement of individual manufactured homes without affecting the restrictions of the basic zoning district over which it is superimposed.

(b) Permitted uses. Individual manufactured homes placed in accordance with the rules and regulations of the Hot Springs Manufactured Home Ordinance.

16-2-67. Changes or expansion of overlay districts.

Changes to or the expansion of overlay districts may be initiated in accordance with the rezoning procedure outline in Section 16-2-11.

16-2-68–16-2-69. Reserved.

ARTICLE VIII. CONDITIONAL USES

16-2-70. General purposes.

The purposes of this section are to define more clearly the concept of conditional uses; to establish standards by which the planning commission shall evaluate conditional uses; and to set forth procedures for processing conditional uses.

16-2-71. What is a conditional use?

A conditional use is a use that conforms to the intent of the comprehensive plan for a specific area and is generally allowable. The use may represent potential problems, however, with respect to its impact on neighboring property or to the city as a whole. For this reason, it requires a careful review of its location, design, configuration, and spatial impact to determine the desirability of allowing it on a particular site.

The conditional use process must not allow an applicant to secure a use variance or as a means to circumvent the intent of the comprehensive plan or zoning code. Building configurations, footprints, and outlines should be compatible with other uses permitted for a district. Whether a proposed use is appropriate in a particular location depends upon a careful evaluation of the impacts to the neighborhood and the city by the planning commission and a weighing of conditions and methods proposed by the commission or by the applicant to ameliorate those impacts.
16-2-72. Standards for conditional uses.

The planning commission may approve, deny, defer, or modify a conditional use request based on findings of fact with regard to the standards set forth below. The appropriateness of these standards shall be determined at the discretion of the planning commission for each specific conditional use location. The planning commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

In carrying out the purpose of this section, the commission's consideration shall include, but not be limited to, the following development standards and design specifics. The appropriateness of these standards shall be determined at the discretion of the planning commission for each specific conditional use location.

(a) The proposed use is so designed, 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 Ordinance.

(d) The proposed use conforms to all applicable provisions of this code for the zoning district in which it is to be located, and the use facilitates public convenience at that location.

(e) The size and shape of the site, and the size, shape and arrangement of the proposed structures, are in keeping with the intent of the comprehensive plan and this code.

(f) The internal street system, ingress or egress, off-street parking, loading and pedestrian ways will be efficient and safe.

(g) Safeguards, including, but not limited to, hours and methods of operation, landscaping and screening, controlling noxious or offensive emissions, including lighting, noise, glare, dust and odor, are satisfactory.

(h) Landscaping, fencing and open space will be properly maintained by the owner/developer.

(i) Proposed signs will be appropriate for the location and in accordance with the requirements of the existing city Code.

(j) Public utilities are, or will be, available and will not be overloaded.
16-2-73. Conditions.

The planning commission may impose conditions and restrictions upon the premises benefitted by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use, insure compatibility with the surrounding property, and carry out the general intent of this ordinance. The planning commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

Conditions imposed as part of the conditional use may be of two types. Threshold conditions are those that must be met by all proposed developments before an application for a conditional use permit will be forwarded to the planning commission. Implicit conditions are those that the planning commission may apply during the review of an individual case.

In no case shall the planning commission authorize relief from the minimum requirements of the ordinance relating to height, area, parking or screening. However, applicants may be directed to the board of zoning adjustment for variances.

16-2-74. Uses exclusively conditional.

Due to their public/quasi-public nature and their potentially deleterious impact on adjacent properties, certain uses are not applicable "by right" in any zoning classification except M-1 and M-2 zones. Such uses may only be placed within the city of Hot Springs as conditional uses. They are:

(a) Airports and landing fields
(b) Cemeteries
(c) Quarries and gravel pits
(d) Towers, tanks, antennae, reservoirs, settling basins and transformer stations
(e) Water/sewage treatment plants or related ancillary facilities

The provisions of this section shall not apply to wireless communication facility installations and applications which shall be governed by Article IX hereof.

16-2-75. Application procedure for conditional use permit.

(a) Conditional use permit application. Application for a conditional use permit shall be made by the property owner or authorized agent for the owner. The application shall be submitted to the planning department which will process all applicable surveys, site plans and other supporting information pertinent to this review process and make recommendations to the planning commission.

(b) Notice procedures. Notice of the conditional use permit application and public hearing thereon shall be given in the following manner:
(1) The city shall cause to be published a legal notice in a newspaper of general circulation at least one time, not less than ten (10) days prior to the date of the public hearing;

(2) The applicant shall post a suitable and pertinent sign on the subject property not less than ten (10) days prior to the hearing; and

(3) The city shall cause written notice of such hearing to be sent to all surrounding property owners of record within 200 feet of the proposed conditional use location as measured from the parcel perimeter. Provided, however, that in the case of conditional use permit applications for Type B home occupations, the city shall only notify all adjacent property owners. Should the adjacent property also be the applicant’s or applicant’s property owner, notice shall be expanded to the next adjacent property. All property owner notifications shall be mailed no less than ten (10) days prior to the public hearing by regular mail. (Ord. No. 5437, §1, 4-17-06; Ord. No. 5562, §1, 5-7-07)

16-2-76. Development plan requirements.

The development plan requirements for a conditional use application shall include a graphic representation of what is proposed and a general statement as to the intent of the use. The graphic representation shall include the following:

(a) The location, size and use of buildings, signs, land and improvements

(b) The location, size and arrangement of parking space, loading space, driveways and street access

(c) The existing topography with proposed grading and drainage plans

(d) Proposed screening and landscaping

(e) The use of adjoining property

(f) Scale, north arrow and vicinity map

(g) Any additional information needed by the staff because of conditions peculiar to the development.

16-2-77. Development plan review.

The planning department staff shall review the proposed conditional use and report to the commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this Code and shall make recommendations to the planning commission.
16-2-78. Planning commission action.

The planning commission shall review conditional use applications at its regularly scheduled monthly meeting, 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 determinations: approve the conditional use as requested; approve the conditional use with modifications; defer the conditional use; or deny the conditional use.

The planning commission may impose conditions and restrictions upon the premises benefitted by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use, insure compatibility with the surrounding property and carry out the general intent of the comprehensive plan, appropriate neighborhood plans and this code.

In no case shall the planning commission authorize reduction from the minimum requirements of the ordinance relating to height, area, parking or screening. However, the applicant may be directed to the board of zoning adjustment for variances under the zoning code.

16-2-79. Status of conditions.

Once any portion of the conditional use permit which has been authorized 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 permit. Such conditions may include time limits for exercise of such authorization and must commence within a reasonable time.

The board of zoning adjustment is not authorized to grant a variance from conditions imposed by the commission in connection with a conditional use. However, the board of zoning adjustment may grant variances as provided by the zoning code.

Amendments or major changes to a conditional use authorization must follow the same process as the original conditional use; however, the commission may delegate to the staff authority to approve minor modifications to the conditions approved, including modifications to an approved development plan. No building permit shall be issued except in conformance with the provisions of this section.

A conditional use permit is a part of the zoning code and shall run with the land upon which the use is located. The planning commission shall not permit any use in a zone as a conditional use that is not permitted under the zoning code.

16-2-80. Reserved.
ARTICLE IX. WIRELESS COMMUNICATION FACILITIES

16-2-81. Purpose and goals.

(a) **Purpose.** The purpose of this article is to establish general guidelines for the siting of WCF and granting of tower use permits (TUP).

(b) **Goals.** The goals of this article are to:

1. provide a range of locations for WCF in all zones unless otherwise prevented;
2. within each zoning district, provide clear performance standards addressing the siting of WCF;
3. encourage the location of WCF on existing structures, including utility poles, signs, water towers, buildings and other WCF where feasible;
4. encourage collocation and site sharing of new and existing WCF;
5. streamline and expedite permitting procedures to effect compliance with the Federal Telecommunications Act of 1996;
6. enhance the ability of providers of telecommunications services to provide such service to the community quickly, effectively, and efficiently; and
7. protect residential and historic areas from the uncontrolled development of WCF by requiring reasonable siting conditions.

16-2-82. Definitions.

*Aeronautical facility* is any public airport or military airport which has a hard surface runway.

*Antenna array* means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni directional antenna (rod), a directional antenna (panel) and a parabolic antenna (dish). The antenna array does not include the support structure defined below.

*Attached wireless communications facility (Attached WCF)* means antenna array attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying pole or device that attaches the antenna array to the existing building or structure and associated connection cables, and any equipment facility which may be located either inside or outside the attachment structure.

*Collocation or site sharing* means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.
Department means the city department charged with the responsibility for administering the Hot Springs Zoning Code, said department being currently known as the planning and development department.

Development standards, as used in this article, shall mean those standards set forth in § 16-2-84 hereof.

Director means the person designated by the city manager as the director of the department responsible for the administration of the Hot Springs Zoning Code.

Equipment facility means any structure used to contain ancillary equipment for a WCF that includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

FAA means the Federal Aviation Administration.

FCC means the Federal Communication Commission.

FTA means the Federal Telecommunications Act of 1996.

Height, when referring to a WCF, shall mean the distance measured from ground level to the highest point on the WCF, including the antenna array.

Review process. As used in this article, review process shall mean those processes set forth in § 16-2-85. hereof.

Setback means the required distance from the foundation of WCF land based elements to the property lines of the parcel on which the WCF is located.

Stealth technology means systems, components and materials used in the construction of WCF which are designed to mask or conceal the WCF to make it less intrusive with respect to the surrounding property.

Support structure means a structure designed and constructed specifically to support an antenna array, and may include a monopole tower, a self supporting (lattice), a guy-wire supported tower or other similar structures. Any device used to fasten an attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to support structures.

Temporary wireless communication facility (Temporary WCF) means a WCF to be placed in use for ninety (90) or fewer consecutive days at the same location.

Tower use permit (TUP) means a permit issued by the city specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the director or planning commission to be appropriate under the provisions of this article.
Wireless communications means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless communication facility (WCF) means any un-staffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

16-2-83. Applicability.

(a) Permit required. No person, firm or corporation shall install or construct any WCF unless and until a tower user permit (TUP) has been issued pursuant to the requirements of this Article.

(b) Pre-existing WCF. WCF for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Article as further specified in Section 16-2-90 hereof.

(c) Amateur radio exclusion. This article shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.

(d) Relationship to other ordinances. This article shall supersede all conflicting requirements of other code provisions and ordinances regarding the locating and permitting of WCF except the Memorial Field Zoning Ordinance (Ordinance No. 3524) as may now or hereafter be amended.

(e) Airport zoning. Any WCF located or proposed to be located in any areas governed by the Memorial Field Zoning Ordinance shall comply with the provisions of that ordinance in addition to the requirements of this article.

(f) Building codes. Construction of all WCF’s shall comply with the requirements of the Hot Springs Building Codes and permitting process in addition to the requirements of this Article.

(g) Aeronautical facilities. No structure in excess of one hundred feet (100') in height may be constructed within twenty-five hundred (2,500') feet from either side of a runway centerline running the full length of that runway, including the runway protection zone and runway safety area, extending outward from the approach end of any runway for seven (7) nautical miles, and rising upward from that runway end surface at a slope of sixty-five (65) feet horizontally to one (1) foot vertically for the seven (7) nautical miles of any aeronautical facility used by the public unless a permit for such construction has been issued by the Hot
Springs board of directors. In lieu of the penalty established in Section 16-2-92, the fine or penalty for violating this paragraph shall, upon conviction in the municipal court, not exceed one thousand dollars ($1,000) per day against the owner of any structure constructed in violation of this act. This fine may be levied for each day until the structure is removed.

**16-2-84. Development Standards.**

(a) *Height standards.* The following height standards shall apply to all WCF facility installations:

1. **Attached WCF.** Attached WCF shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached (attachment structure).

2. **WCF with support structures.** WCF with support structures shall have a maximum height of 150 feet in all zones except residential zones wherein the maximum height shall be 100 feet.

(b) *Setback Standards.* The following setback standards shall apply to all WCF installations:

1. **Attached WCF.** Antenna arrays for attached WCF are exempt from the setback provisions of the zone in which they are located. An attached WCF antenna array may extend up to 30 inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

2. **WCF with support structures.** WCF with support structures shall meet the setback requirements for principle structures of the underlying zone in which they are located.

3. **WCF with support structures abutting or located in residential zones.** WCF with support structures which abuts property zoned residential on any side or which is located within any residential zone, shall be set back a distance at least the height of the tower measured from the base of the tower to the property line of the residential lot. Provided further, that all WCF’s with support structures located within residential zones shall be of the monopole and/or stealth design.

(c) *Landscaping and screening.* The following landscaping and screening requirements shall apply to all WCF facility installations.

1. **New construction.** New WCF with support structures and attached WCF with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance which may now or hereafter be adopted.
(2) **Land form preservation.** Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.

(3) **Existing vegetation.** Existing vegetation on a WCF site may be used in lieu of required landscaping where approved by the planning commission.

(d) **Aesthetics, placement, materials and colors.** WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the WCF, the use of compatible or neutral colors, or stealth technology.

(e) **Lighting and signage.** The following lighting and signage requirements shall apply to all WCF facility installations.

(1) **Artificial illumination.** WCF shall not be artificially illuminated, directly or indirectly, except for:

   a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and

   b. such illumination of the WCF as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.

(2) **Signage.** WCF shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing WCF’s.

(f) **Security fencing.** WCF with support structures shall be enclosed by an opaque security fence not less than 6 feet in height. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fencing which is necessary to meet requirements of state or federal agencies.

(g) **Radio frequency emissions.** The following radio frequency emissions standards shall apply to all WCF facility installations.

(1) **RF impact.** The FTA gives the FCC sole jurisdiction of the regulation of radio frequency (RF) emissions, and WCF which meet the FCC standards shall not be conditioned or denied on the basis of RF impact.
(2) **FCC compliance.** In order to provide information to its citizens, copies of ongoing FCC information concerning WCF and RF emission standards may be requested. Applicants for WCF shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

(3) **Sound prohibited.** No sound emissions such as alarms, bells, buzzers or the like are permitted.

(h) **Structural integrity.** WCF with support structures shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended. Each support structure shall be capable of supporting at least three antenna arrays.

(i) **Collocation agreement.** All applicants for WCF are required to submit a statement with their application agreeing to allow collocation of other WCF providers. The statement shall include the applicant’s policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The collocation agreement shall be considered a condition for issuance of a TUP.

16-2-85. Review process.

(a) **General.** The applicable development standards referred to herein are those set forth in Section 16-2-84 of this article.

(b) **Permitting procedures.** Attached WCF with or without new building construction that meet the development standards may be permitted by administrative review except as hereinafter specified. All WCF with support structures, regardless of type or location shall be subject to the planning commission review process and may not be approved by the administrative review process. Provided, further, that any WCF (attached or with support structures), regardless of type, to be located within an established historic district, will be subject to review by the historic district commission and the planning commission. Review by the historic district commission shall be in accordance with the historic district ordinance administrative procedures for a certificate of appropriateness. Any WCF subject to the memorial field zoning ordinance may only be permitted by planning commission review in accordance with the airport zoning ordinance and this article. All WCF applications that do not conform with the development standards or are otherwise not eligible for administrative review shall be subject to the planning commission review process.

(c) **WCF as part of coordinated development approval.** WCF as part of a proposed residential or nonresidential subdivision, Planned District (PD) Zoning District, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
(d) **WCF for temporary term.** Temporary WCF may be permitted by administrative review for a term not to exceed 90 days. Once granted, a temporary WCF permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible.

**16-2-86. Approval procedures.**

(a) **Application submission.** All requests for a tower use permit, regardless of WCF type shall submit an application in accordance with the requirements of this section.

(1) **Application contents.** Each applicant requesting a TUP under this Article shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing WCF shall include a radio frequency intermodulation study with their application.

(2) **Submission requirements.** Application for a TUP shall be submitted to the department on forms prescribed by the department. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license or license application. If planning commission or historic district commission review is required, the application and site plan shall be placed on the next available commission agenda in accordance with the agenda deadlines established by the department.

(3) **Application fees.** Each application shall be accompanied by a plan review fee of $500 and a radio frequency intermodulation study review fee of $500 (collocation applications only). These fees shall be used to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and radio frequency intermodulation study (if required).

(4) **Technical assistance.** In the course of its consideration of an application, the director, the planning commission or the board of directors may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of WCF to assist the city in the technical aspects of the application. In such cases, any reasonable costs incurred by the city not to exceed fifteen hundred dollars ($1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final city hearing on the TUP.

(b) **Administrative review.** The following administrative review process shall apply to all WCF applications eligible for administrative review.
(1) **Review authority.** Review of WCF under this section shall be conducted by the director or his designee upon filing a WCF application.

(2) **Review criteria.** The department shall review the application for compliance with the development standards.

(3) **Timing of decision.** The department shall render a decision on the WCF application by written response to the applicant within ten (10) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.

(4) **Deferral.** The department may defer administrative approval of WCF for any reason. Deferral of administrative approval shall require submission to the planning commission for review.

(5) **Application denial.** If administrative approval is not obtained due to noncompliance with the development standards, the applicant may appeal the denial by applying for planning commission review.

(6) **Application approval.** If the TUP application is in compliance with the development standards and otherwise meets the requirements of this section, the department shall issue a tower use permit (TUP).

(c) **Planning commission review.** The following shall apply to all tower use permit applications requiring submission to the planning commission.

   (1) **Review authority.** The planning commission shall be the review authority for TUP applications not eligible for administrative review or otherwise referred to the commission.

   (2) **Notice.** Notice of the application and the public hearing by planning commission shall be accomplished in the same manner as a conditional use permit under the Zoning Code.

   (3) **Hearing.** The planning commission shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The planning commission shall consider the following in reaching a decision.

      a. Development standards variance. The TUP application shall be reviewed for compliance with the development standards set forth in Section 16-2-84; provided that the applicable development standards may be reduced or waived so long as the approval of the WCF meets the goals and purposes of Section 16-2-81 hereof. The planning commission may authorize a variance from the development standards by specific inclusion in a motion for approval. No such variance authorized by the planning commission shall be subsequently applied for a variance to the board of zoning adjustment.
b. Tower siting conditions. The planning commission may impose conditions and restrictions on the application or on the premises benefitted by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding property, in accordance with the purposes and intent of this Article. The violation of any condition shall be grounds for revocation of the TUP. The planning commission may impose such conditions in addition to the development standards upon the following findings:

1. The WCF would result in significant adverse visual impact on nearby residences.
2. The conditions are based upon the purpose and goals of this Article as set forth in Section 16-2-81.
3. The conditions are reasonable and capable of being accomplished.

c. Action. Following the public hearing and presentation of all evidence, the planning commission shall take one of the following actions:

1. approve the application as submitted;
2. approve the application with conditions or modifications;
3. defer the application for additional information or neighborhood input; or
4. deny the application.

(4) Findings. All decisions rendered by the planning commission concerning a tower use permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.

(5) Timing of decision. The planning commission shall render its decision within 60 days or less of the final submission of all required application documents and technical evaluations.

(6) Appeals. The decision of the planning commission may be appealed to the board of directors of the city under the following circumstances:

a. Only the applicant and those who registered an objection to the TUP in the record of the planning commission shall have standing to appeal.

b. Only such evidence or testimony in support of or opposition to the issuance of the TUP which was provided to the planning commission may be presented to the board of directors unless the board, by majority vote, decides to hear new information.
c. Notice of appeal shall be accomplished by the appellant in the same manner as a conditional use permit under the Zoning Code.

d. Appeal of decisions of the board of directors shall be filed in chancery court within thirty (30) days of the final decision on the TUP.

(7) Historic commission review. Should an WCF application require review by the historic district commission, such review shall be conducted by said commission in accordance with the procedures for issuance of a certificate of appropriateness. If granted the certificate, the application shall then be reviewed by the planning commission in accordance with the procedures contained herein. The planning commission shall not consider a WCF application requiring a certificate of appropriateness unless and until such certificate has been granted by the historic district commission. Historic district commission decisions regarding WCF applications may be appealed to the board of directors in accordance with Section 16-2-86(c)(8).

16-2-87. Shared facilities and collocation policy.

All WCF shall be constructed to be capable of sharing the facility with other providers, to collocate with other existing WCF and to accommodate the future collocation of other WCF. Applicants proposing a new WCF shall demonstrate that it has made a reasonably good faith attempt to find a collocation site. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

16-2-88. Removal of abandoned WCF.

Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the WCF owner shall remove the WCF within ninety (90) days after notice from the city to remove the WCF. If the abandoned WCF is not removed within ninety (90) days, the city may remove it and recover its costs from the WCF owner. If there are two or more users of a single WCF, this provision shall not become effective until all providers cease to use the WCF. If the owner of an abandoned WCF cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the WCF is located.

16-2-89. Change in ownership.

If a tower use permit has been previously issued, any ownership or licensing change not involving new construction may be approved administratively by the city attorney.
16-2-90. Nonconforming WCF.

WCF in existence on the date of the adoption of this article which do not comply with the requirements of this article (nonconforming WCF) is subject to the following provisions:

(a) *Expansion.* Nonconforming WCF may continue in use for the purpose now used, but may not be expanded without complying with this article except as further provided in this section.

(b) *Additions.* Nonconforming WCF may add additional antennas (belonging to the same provider or other providers) subject to administrative review under Article 16-2-86 of this chapter.

(c) *Repairs.* Nonconforming WCF which become damaged or destroyed due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this article.

16-2-91. Revocation of tower user permits.

Any tower use permit issued pursuant to this article may be revoked by the planning commission after a hearing as provided hereinafter. If the commission finds that any permit holder has violated any provision of this article, or has violated any federal, state or local law or ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the commission may revoke the tower use permit (TUP) upon such terms or conditions, if any, that the commission may determine. Prior to initiation of revocation proceedings, the director shall notify the permit holder, in writing, of the specific areas of non compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the director with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the planning commission shall convene a public hearing to consider revocation of the tower use permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the city not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross examine opposing witnesses. Other interested persons may comment. The planning commission may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at the party’s expense.

16-2-92–16-2-95. Reserved.
ARTICLE X. ADDITIONAL REGULATIONS

16-2-96. Accessory buildings/structures in residential areas.

(a) An accessory building/structure in a residential area may be built within a required rear yard when located at least 5 feet from the rear or side lot line or both and is not located within any easement or corner lot. On corner lots the side yard setback for corner lots shall apply.

(b) Carports, patios, decks, wheel-chair ramps, or other non-enclosed improvements are exempt from the accessory building/structures requirements.

16-2-97. Reserved

Editor’s Note: §16-2-97 adopted by Ord. No. 5158 was repealed by Ord. No. 5892 §1, 8-7-2012.
16-2-98. Automobile wrecking and junk yards.

(a) General. Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junkyard properly minimizes its objectionable characteristics, the standards established in items b and c shall be used.

(b) Location.

(1) Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 400 feet to any established residential district.

(2) Salvage and wrecking yards annexed to the city after the adoption of this code, can continue in their present locations. Expansion must have prior approval of the planning commission.

(c) Screening. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall a minimum of eight feet as appropriate to the site, except the driveway area. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

16-2-99. Car wash, automatic and/or unattended.

(a) Building location.

(1) Minimum setback from street, 25 feet

(2) Minimum offset from side lot lines, 10 feet

(3) Minimum offset from rear lot lines, 25 feet

(b) A raised curb at least 6 inches in height shall be constructed on all street property lines, except at driveway openings.

(c) Buffering shall be provided to protect adjacent residential areas. The planning commission may require opaque fences to buffer the site from adjacent properties.

16-2-100. Reserved.
16-2-101. Fences, walls and hedges.

(a) Notwithstanding other provisions of this Code, fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no opaque fence, wall or hedge along the sides or front edge of any required front yard shall obstruct view in the area of clear visibility (See Section 16-2-109).

(b) Whenever a commercial or industrial zone or use abuts a residential zone or use, a minimum six (6) foot opaque screening shall be required.

16-2-102. Home occupations.

(a) Classification. Home occupations, as defined herein, are divided into two classes, Type A and Type B, and may be permitted in accordance with the following provisions:

(1) Type A. Type A home occupations are only those occupations that meet all of the requirements listed below. Type A home occupations are approved administratively by city staff.

a. The home occupation is located completely within the principal dwelling unit.

b. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.

c. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)

d. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.

e. The home occupation does not display merchandise or have outside storage of equipment or materials.

f. The home occupation does not alter the external appearance of the principal dwelling unit.

g. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.

h. The home occupation has no more than one non-illuminated business identification sign mounted flush to the dwelling unit, not more than two square feet in area.

i. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
j. The home occupation will not cause more than one customer vehicle to be parked in the vicinity of the principal dwelling unit at a time.

k. The home occupation does not involve the external or visible manufacturing of goods on-site.

(2) Type B. Type B home occupations are those occupations that do not meet one or more of the requirements of a Type A home occupation and/or by their nature, have characteristics that may not be suitable for a residential structure or area. Type B home occupations must be approved by the planning commission through the conditional use procedure. However, Type B home occupations must meet the following requirements to be considered for a conditional use permit:

a. Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential neighborhood.

b. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside a structure.

c. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e., shampoo, cosmetics, are permitted.)

d. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.

e. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.

(b) Examples of home occupations

(1) Activities conducted principally by telephone, computer, facsimile, or mail.

(2) Studios where handicrafts or objects-of-art are produced.

(3) Dressmaking or apparel alterations.

(4) Barber and beauty shop (one chair).

(c) Prohibited home occupations

(1) Bed and breakfast.

(2) Eating and drinking establishments.

(3) Kennels.
(4) Commercial sales or leasing of vehicles.

(5) Rest home.

(6) Clinic, doctor or dentist office.

(7) Tourist home.

(8) Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

(d) Hobbies. Hobbies conducted solely within the confines of a structure with no external impacts whatsoever, are not considered home occupations, even if occasional items are sold on the premises or transported away from the premises for sale.

16-2-103. Off-Street parking and loading requirements.

16-2-103.1. Purpose.

To facilitate the movement of people and goods on the local street system, to lessen congestion in the streets, to assure that streets are clear of obstructions and as a means of protecting the lives and safety of motorists and pedestrians, the following off-street parking and loading standards are hereby established. Standards hereinafter established govern the provision, arrangement and access for parking lots or areas, and individual parking and loading spaces.

16-2-103.2. Scope of regulations.

Permanent off-street parking and loading space in the amount specified by this section shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one type of use or occupancy to another. Such parking space may be provided in a parking garage or parking lot or in driveways serving single and two family residences. Parking and loading facilities provided in accordance with the terms of this section shall not subsequently be reduced below the requirements of this section. No portion of the area of any street right-of-way shall be considered as fulfilling or partially fulfilling the off-street parking requirements of this section. Any area, lot or parcel intended for use as a commercial parking lot shall also met the requirements of this section whether or not a building permit is required.

Any area, lot or parcel, not duly authorized for use as a parking area, may not be so utilized unless the requirements of this section are met. Provided, however, that any area, lot or parcel designated as a seasonal parking lot shall met the requirements for seasonal parking lots as established by Article VII, Section 16-2-64 hereof.
16-2-103.3. Development standards.

The following development standards shall apply to all parking areas improved pursuant to this section.

(a) Certification of minimum parking requirements. Each application for a building permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking space or loading space, if required, and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the Administrative Officer to determine whether or not the requirements of this Section are met. The certificate of occupancy for the use of any building, structure or land where off-street parking space is required shall be withheld by the appropriate Administrative Officer until the provisions of this Section are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall become void and of no effect.

(b) Free flow of traffic and pedestrian protection. Ingress and egress for parking facilities shall be so arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets. No ingress or egress driveway, except for single and two family dwellings, shall be so arranged that vehicles can enter or leave the area only by backing to or from any street. Adequate sight distances shall be maintained for vehicles and pedestrians.

(c) Parking lots to be improved and maintained. Parking lots intended to provide for the off-street parking space required by this section shall be improved and maintained with any of the following paving standards/methods: concrete; hot mix asphalt; porous concrete; and porous asphalt.

Any proposed alternative paving standard/method, other than those listed above, shall be submitted to and specifically approved by the City Engineer prior to paving in accordance with Section 103.11. However, chip and seal, and city pit (gravel/stone) shall not be permitted.

(d) Maneuvering space. No part of any parking or maneuvering space shall be located closer to any property line facing a public thoroughfare or applicable property lines than the minimum distances identified in the “Thoroughfare Buffer” and “Land Use Buffer” sections of the latest adopted version of the City of Hot Springs Landscape Ordinance. Driveway paving for residential uses shall not be located closer than five (5) feet from side or rear property lines.
(e) *Joint use of parking lots.* The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another for use during the same hours. The Board of Zoning Adjustment may grant a special exception reducing the number of parking spaces for a combined parking facility where the separate uses using such facility can prove that their parking demands do not occur during the same hours.

(f) *Parking spaces for physically disabled.* When off-street parking is required for any building or use, except for those uses specifically exempt from ADA requirements, parking for physically disabled persons shall be provided in accordance with the ADA accessibility standards as follows:

<table>
<thead>
<tr>
<th>Total Spaces Required By Zoning Regulations</th>
<th>Spaces Reserved for Disabled Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of total required</td>
</tr>
<tr>
<td>Over 1000</td>
<td>20, plus one (1) space for each 100 over 1000</td>
</tr>
</tbody>
</table>

(g) *Remote parking space.* If off-street parking spaces required by this Section cannot be reasonably provided on the same lot on which the principal use is located they may be administratively approved by the Administrative Officer if the following criteria are met:

1. Such spaces must be zoned properly;
2. Such spaces must be provided within five hundred (500) feet walking distance of the main entrance to such principal use;
(3) Such spaces shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term lease for a minimum period of five (5) years. Continuation of the subject use, upon termination of the remote parking lease, is conditional upon provision of remote parking meeting the requirements of this Section.

If spaces proposed to meet the requirements of this section do not meet administrative criteria in sub-paragraph 2 or 3 above, the owner may apply for a variance to the Board of Zoning Adjustment.

(h) Markings. Each required off-street parking space, except for parking spaces provided for a single family or two family residential structure, shall be clearly marked appropriately to the dimensions required for each space exclusive of the required access drive. (See “Parking Standards” and “Parking Standards Dimension Table” below.)

PARKING STANDARDS DIMENSION TABLE

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Width of Stall</th>
<th>Depth of Stall</th>
<th>Minimum Aisle Width</th>
<th>Length Of Curb Per Car</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>9’</td>
<td>—</td>
<td>12’</td>
<td>21’</td>
</tr>
<tr>
<td>30°</td>
<td>9’</td>
<td>16’ - 8”</td>
<td>11’</td>
<td>17’ - 9”</td>
</tr>
<tr>
<td>45°</td>
<td>9’</td>
<td>19’ - 0”</td>
<td>13’</td>
<td>12’ - 9”</td>
</tr>
<tr>
<td>60°</td>
<td>9’</td>
<td>20’ - 0”</td>
<td>18’</td>
<td>10’ -3”</td>
</tr>
<tr>
<td>90°</td>
<td>9’</td>
<td>18’</td>
<td>24’</td>
<td>9</td>
</tr>
</tbody>
</table>

(See Parking Standards Illustration This Section For Parking Lot Designs)

(i) Residential driveways. A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.

(j) Dimensional requirements. For purposes of this Section, any off-street parking space required by this section shall conform to the minimum dimensions requirements as listed on the following “Parking Standards Dimension Table.”
(k) Parking standards. Parking stalls shall be designed in one of the following standards.

16-2-103.4. Design and lighting.

The design of parking lots or areas shall be subject to the approval of the Planning and Development Department during the process of site plan review. Any exterior lighting used to illuminate off-street parking areas or loading spaces shall be directed away from residential properties and public streets in such a way as not to create a nuisance or a traffic hazard.

16-2-103.5. Reserved.
16-2-103.6. Minimum off-street parking index.

All off-street parking spaces hereinafter required by this section, except those required for one and two-family dwellings, shall be designed in accordance with the off-street parking standards and illustration of this section. Off-street parking space for all uses of land and structures shall be provided in accordance with the “Minimum Off-Street Parking Index” as hereinafter set forth. Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal use requirement. The following index is intended to be illustrative rather than exhaustive. In any cases where a parking standard for a use is not specifically referred to in the index, its status under this section shall be determined by the Administrative Officer by reference to the most clearly analogous use or uses that are specifically referred to in the index. When determination of the number of off-street parking spaces required by this section results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more, shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. As used in this subsection, the term “gross leasable area (GLA) shall mean the total floor area designed for tenant occupancy.

MINIMUM OFF-STREET PARKING INDEX

(a) Commercial

Amusement Center – Three spaces per each 1000 sq. ft. of gross floor area, plus one additional space for each two licensed game machines or devices.

Amusement Park – Three spaces per each 1000 sq. ft. of gross floor area within enclosed public and administrative buildings, plus one space for every three persons that the outdoor facilities are designated to accommodate when used to the maximum capacity.

Automatic Teller Machine – Two spaces per machine.

Auction House – One space per two seats or two per 100 sq. ft. of gross leasable area, whichever is greater.

Auto Body Shop (See also Oil Change Shop and Auto Maintenance Center) One space per each service bay and mechanic.

Auto, Car Wash – Full-Serve – One parking space per employee of the largest shift. Stacking for five vehicles for automatic car wash lane, plus two drying spaces for each washing stall.

Auto, Car Wash – Self-Serve – Two stacking spaces per each washing stall, plus two drying spaces for each washing stall.
Auto, Gas Station, Full-Serve – One space per each gas pump, plus two spaces for each grease rack or similar facility, plus one space for each 1.5 employees.

Auto, Gas Station Self-Serve – One space per each employee. One space for each fuel nozzle. In addition, one parking space shall be provided for each 50 sq. ft. of usable floor area in the cashier’s and office areas.

Auto Maintenance Center – One space per 250 sq. ft. Stacking for two vehicles for each bay.

Auto Oil Change Shop – See Auto Maintenance Center

Auto Parts Store – One space per each 400 sq. ft. of gross leasable area, plus one space for each employee on the maximum work shift.

Auto Rental – One space per 400 sq. ft. of gross floor area.

Auto Repair (See also Gas Station) – One space per each service bay and mechanic.

Auto Sales – Four spaces per 1,000 sq. ft. of gross floor area.

Auto Storage Areas – One space per 5000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.

Bank, Credit Union, Savings & Loan Association (See also Bank, Savings & Loan Assoc., Credit Unions, Drive-Ins) – One space per each 400 sq. ft. of gross floor area up to 20,000 sq. ft., plus one additional space for each 500 sq. ft. of gross floor area in excess of 20,000 sq. ft.

Bank, Credit Union, Savings & Loan Association, Drive-Ins. – One space per each employee. In addition, stacking spaces at each service window or station shall be provided at the rate of three for each service window or station. Each waiting space shall measure not less than 18 feet in length.

Bar or Tavern (See also Night Club and Dance Hall) – One space per four seats.

Barber Shop (See also Beauty Parlor) – 1.5 spaces per chair and one per each two employees.

Bed and Breakfast – One space per guest room.

Beauty Parlor (See also Barber Shop) – Two spaces per operator station and one per each two employees.
Bicycle Repair – Three spaces per 1,000 sq. ft. of gross floor area.

Bingo Parlor – One space per three seats (based on design capacity) or one per 1,000 sq. ft. gross floor area, whichever is greater.

Bookstore – 4.5 spaces for every 1,000 sq. ft. of gross floor area.

Boarding House (See also Dormitory) – One space per two beds.

Bowling Alley – Two spaces for each alley.

Convenience Store – 3 spaces per every 1,000 sq. ft. of gross floor area.

Convenience Store with Gas Pumps – 3 spaces per every 1,000 square feet of gross floor area and one space per gasoline pump.

Dance Hall – One space per each 200 sq. ft. of gross leasable area.

Drive-In Facility (See also Restaurant, Fast-Food and Bank, Drive-In) – One space per each motor vehicle served, plus one space per each two employees during period of greatest employment.

Dry Cleaning – One space per 300 sq. ft. of gross floor area.

Drug Store – Five spaces per 1,000 sq. ft. of gross floor area.

Exterminator – One space per each employee.

Furniture Store – One space per 1,000 sq. ft. of gross floor area.

Grocery Store – Three spaces per each 1,000 sq. ft. of gross floor area.

Gunsmith – Three spaces per 1,000 sq. ft. of gross floor area.

Hardware Store – One space per 400 sq. ft. of gross leasable area.

Health Club (See also Gymnasium) – One space per each 200 sq. ft. of gross leasable area.

Hotel/Motel (See also Bed and Breakfast) – 1 space per unit.

Indoor Racquet Courts (See also Tennis Club) – Three spaces per every court.

Laundromat – One space for each 200 sq. ft. of gross floor area used by the general public.

Kennel – One space per employee, plus one space per 1,000 sq. ft. of gross floor area.
Liquor Store – One space per every 400 sq. ft. of gross floor area.

Locksmith– Three spaces per 1,000 sq. ft. of gross floor area.

Massage Therapy, Therapeutic Steam Bath, or Day Spa – Four spaces per each 1,000 sq. ft. of gross floor area.

Miniature Golf Course – One space per hole, plus one space per employee on the largest work shift.

Mini-warehouse – See Self-Service Storage Facility.

Motorcycle Service and Sales - One space per each 400 sq. ft. of gross leasable area, plus one space for each employee on the maximum work shift.

Movie Theater, Indoor – One space per each 2 ½ seats.

Night Club – One space per each four seats.

Nursery or Greenhouse – One space per 1,000 sq. ft. of total sales area.

Outdoor Theater – One space per each four seats.

Parcel or Express Delivery Service (See also Post Office) – One space per each three employees, plus one space per each vehicle maintained.

Pawn Shop – One space per 300 sq. ft. of gross floor area.

Pet Shop – One space per each 300 sq. ft. of gross leasable area.

Photography Studio – One space for each 400 sq. ft. of gross leasable area.

Plumbing and Heating Supply – One space per 900 sq. ft. of gross floor area.

Pool or Billiard Hall – Two spaces per table.

Printing and Publishing – One space per 1,000 sq. ft. gross floor area, or one space per employee, whichever is greater.

Recycling Center – One space per employee.

Rental of Equipment – Three spaces per 1,000 sq. ft. of gross floor area.

Repair Shop – One space per each 600 sq. ft. of gross floor area.

Restaurant, Sit Down – One parking spaces per each 90 sq. ft. of gross floor area.
Restaurant, Fast-Food – One parking space per each 80 sq. ft. of gross floor area.

Restaurant (Walk-up or Drive Through with walk-up window and/or outdoor seating) – One space per 80 sq. ft. of gross floor area including outdoor areas or one space per 2 seats whichever is greater. A stacking area for nine vehicles for the first drive through and six for any additional drive through lanes.

Restaurant (Drive Through with no walk-up or outdoor seating) – Same stacking as required for Restaurant Walk-up above.

Self-Service Storage Facility – One space per 2,000 sq. ft. gross floor area.

Retail Store  3.3 per 1,000 GLA  up to 10,000
              .95 per 300 GLA 10,001 to 20,000
              .90 per 300 GLA 20,001 to 30,000
              .85 per 300 GLA 30,001 to 40,000
              .80 per 300 GLA 40,0001 and up

Shopping Center  3.3 per 1,000 GLA  up to 10,000
                  .95 per 300 GLA 10,001 to 20,000
                  .90 per 300 GLA 20,001 to 30,000
                  .85 per 300 GLA 30,001 to 40,000
                  .80 per 300 GLA 40,0001 and up

Note: To be computed on Gross Floor Area if not a mall.

Skating Rink – One space per each 250 sq. ft. of gross floor area.

Tennis Club (See also Indoor Racquet Courts) – Two spaces per court, plus one for each 200 sq. ft. of clubhouse floor area in excess of 1,000 sq. ft.

Travel Agency – Four spaces per 1,000 sq. ft. of gross floor area.

Truck Terminal – One space per 1,000 sq. ft. of gross floor area, or one space per employee, whichever is greater.

Video Stores – Six spaces per each 1,000 sq. ft. of gross floor area.

(b) **Office and Institutional**

Airport – One space per each 600 sq. ft. of gross floor area.

Art Gallery (See also Museum) – 1.2 spaces per 1,000 sq. ft. of gross floor area.
Assisted Living Facility – One space per 1,000 sq. ft. gross floor area.

Athletic Field – Twenty spaces per field.

Auditorium – One space per each six seats or nine linear feet of fixed benches, or one space for each 45 sq. ft. of floor area without fixed seats.

Botanical Garden – Two spaces per acre.

Crematorium – 0.25 space per seat of chapel capacity, plus 0.33 space per employee.

Cemetery (See also Pet Cemetery) – One space per full-time employee.

Church, Synagogue, or Mosque – One space per every four seats in the main sitting area.

Club or Lodge (See also Fraternity or Sorority) – One space per each four persons of the rated capacity.

College or University – One space per every three employees and members of the staff and one for every three full-time students.

Convention Center (freestanding) – One space per every four seats; or ten spaces per 1,000 sq. ft. of gross floor area.

Community Center – Four spaces per 1,000 sq. ft. of gross floor area.

Day Care Center – One space per staff member plus one space per five students.

Dentist – See Office, Dental

Diet Clinic – Four spaces per each Doctor plus one space for each two seats of food service.

Doctor – See Medical

Dormitory (See also Boarding House) – One space per each five beds.

Driving Range – One space per two employees, plus one space for every three persons that the outdoor facility is designed to accommodate when used to the maximum capacity.

Drug and Alcohol Treatment Center – One space per two beds and one space per staff member.
Emergency Medical Service – Adequate space to accommodate all motor vehicles operated in connection with such use and one additional space for each employee.

Employment Agency – Five spaces per 1,000 sq. ft. of gross floor area.

Fire or Police Station – One space per each two employees.

Fraternity or Sorority (off campus) – 3.3 spaces per 1,000 sq. ft. of gross floor area.

Funeral Home or Mortuary – One space per four seats, plus one space per two employees, plus one reserved space for each hearse, ambulance, or company vehicle.

Golf Course – One space per two employees, plus three per golf hole.

Government Building – Four spaces per each 1,000 sq. ft. of gross floor area.

Group Home – One space per each employee in the largest work shift, plus one per each five clients for fraction thereof; if clients may not own vehicles, one space per 600 sq. ft. of gross floor area.

Gymnasium (See also Health Club) – One space per every 100 sq. ft. of gross floor area.

Jail – One space per employee, plus one space per 25 inmates.

Library – One space per each 1,000 sq. ft. of gross floor area.

Mausoleums, Columbariums, and Memorial Gardens – Parking area equal to ground floor area.

Medical, Freestanding Office Building – One space per each 200 gross sq. ft.

Medical, Hospital – One space per each 400 gross sq. ft.

Medical, Office Building in a Medical Campus Setting – One space per each 250 gross sq. ft.

Museum (See also Art Gallery) – One space per each four seats in rooms for public assembly or for each 150 sq. ft. of gross floor area for use by the public, whichever is greater, plus one space for each two employees on shift of greatest employment.

Nursing Home or Convalescent Center – One space per 1,000 sq. ft. gross floor area.
Office – One space per 200 sq. ft. of gross floor space.

Office, Dental – Two spaces per each examination or treatment room, plus one space per each dentist and other employees.

Other Institutional Uses – One space per 300 sq. ft. of gross floor area.

Pet Cemetery – One per employee.

Police Station – See Fire or Police Station.

Post Office – One space per employee on shift of maximum employment and one space per 800 sq. ft. of gross floor area.

Radio or Television Station – One space per 1,000 sq. ft. of gross floor area.

Research & Development Facility – One space per 800 sq. ft. of gross floor area.

School, Beauty – Three spaces, plus one space per each operator station.

School, Dance – One space per 250 sq. ft. of gross floor area.

School, Elementary – One space per each vehicle owned or operated by the school, plus one space per each faculty member and administrative office.

School, Junior High – One space for each vehicle owned or operated by the school, plus one space for each faculty member, plus one space for each five seats in the auditorium or gymnasium.

School, High School – One space per teacher and staff member on the largest shift, plus one space per five students.

School, Trade, Vocational, or Business – One space per four students.

Stadium – One space per 75 sq. ft. of assembly area or one per five fixed seats, whichever is greater.

Telecommunications Facility – Four spaces per 1,000 sq. ft. of gross floor area.

Television Station – See Radio or Television Station.

Transit Terminals – One space per each 600 sq. ft. of gross floor area.

Utility – One space per each 400 sq. ft. of gross floor area devoted to office use; one space for each 800 sq. ft. of gross floor area per other use.
Veterinary Practice – Four spaces per every doctor, plus one space per every additional employee.

Zoo – One space per 2,000 sq. ft. of land area.

(c) Residential

Residential, Single-Family – Two spaces per each dwelling unit.

Residential, Single-Family, Townhouse – Two spaces per dwelling unit.

Residential, Two Family Dwelling – Two spaces per unit.

Residential, Multifamily – Two spaces per dwelling unit for two or more bedrooms.

Efficiency – One space per dwelling unit which contain only one bedroom.

(d) Industrial

Contractor’s Yard – One space per each employee.

Hazardous Waste Transfer Facility – One space per employee on the largest shift.

Junkyard – Two spaces per every three employees on the maximum shift, plus one space per every vehicle customarily used in operation of the use or stored on the premises.

Lumberyard – One space per each 500 sq. ft. of gross floor area.

Machinery Sales – One space per each employee and one space per 1,000 sq. ft. of gross floor area.

Warehouse – One space per each two employees or one space per each 1,000 sq. ft. gross floor area, whichever is greater.

16-2-103.7. Parking index deviations.

Due to the peculiarities of any given development, the inflexible application of the minimum off-street parking index may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, the Board of Zoning Adjustment may permit deviations from the presumptive requirements of the minimum off-street parking index and may require more or allow less parking as may be deemed

Supplement No. 31
appropriate during the process of site plan review. In determining whether or not it is appropriate to allow such deviations, the applicant shall have the burden of supplying evidence that such a change is warranted. This evidence shall include the applicant’s experience with the same use in other jurisdictions, alternate standards (and an assessment of their adequacy) for the same use in other communities, or a suggested standard by a nationally recognized authority in parking (e.g. The Institute of Transportation Engineers, the American Planning Association, etc.).


In situations where the total parking area should not be needed in the immediate future, but may be in the longer-term, the Planning Commission may require that all of the area be provided and reserved for parking, but may suspend or waive the requirement that it actually be paved, until such time as the Administrative Officer determines that it is necessary.

16-2-103.9. Central business district.

Due to the unique character of the C-1 (Central Business District) Zoning District the standards outlined in the minimum off-street parking index shall not apply to uses or projects within the C-1 Zoning District with the exception of residences located in the district. Section 104 hereof shall govern the off-street parking requirements for residences in commercial zones. However, if parking lots or areas are provided in the C-1 zoning classification, those areas shall be subject to the development standards outlined in Section 16-2-103.3. Development Standards.

16-2-103.10. Off-street loading requirements.

The following standards shall apply to off-street loading spaces.

(a) Load space required. In any zone in connection with every building or part thereof having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display or sales, mortuary, or other uses similarly requiring the receipt and distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building or use at least one (1) off-street loading space plus one (1) additional such loading space for each ten thousand (10,000) square feet of gross floor area or major fraction thereof.

(b) Space dimensions. Each loading space shall be not less than ten (10) feet in width and forty-five (45) feet in length, and shall have a minimum overhead clearance of fourteen (14) feet.

(c) Space location. Such space may occupy all or any part of any required yard or court, except a front yard.
(d) **Residential restriction.** No such space shall be located closer than fifty (50) feet to any lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on three sides by a wall of uniformly painted board fence or natural plantings. The height of all screening shall be determined by the administrative officer, but in no event shall the screening be less than six (6) feet in height.

(e) **Maneuver area.** Loading spaces shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading or unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(f) **Dual use prohibited.** No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

16-2-103.11. Alternative material and methods.

Developers may propose alternative materials, methods, and designs in accordance with the U.S. Green Building Council, Leadership Energy and Environmental Design (LEED) voluntary rating system. Such proposals must include documented evidence from professional engineers, architects, or environmental planners demonstrating the effectiveness of the proposed alternative materials, methods, and designs in meeting the intent and purpose of these regulations. For purposes of this section a LEED consists of a long-term, integrated, systems approach to developing and achieving a healthy community by jointly addressing economic, environmental, and social issues. Any such proposals must be specifically approved by the City Engineer.

**Editor’s note -** Where a building permit has been issued prior to January 3, 2008 and provided that construction is begun within 12 months of January 3, 2008, and diligently prosecuted to completion, parking and loading facilities in the amounts required at the time of the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.

(Ord. No. 5614, §1,2,12-4-07)

16-2-104. Residences in commercial zones.

All residences located in commercial zones must meet all building, fire, and plumbing codes for residential buildings. Off-street parking shall be provided in accordance with Section 16-2-103, with the exception of residences located in the C-1 zoning district. No off street parking is required for residences located in the C-1 zoning district. (Ord. No. 5881, §1, 6-5-2012)

16-2-105. Self-storage.

The following are prohibited uses of self-storage facilities or areas:
16-2-105 HAUGHTON CODE
ZONING CODE

(a) Storage of flammable or hazardous chemicals or explosives;
(b) Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
(c) The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn
mowers, appliances, or other similar equipment;
(d) The operation of power tools, spray-painting equipment, table saws, lathes,
compressors, welding equipment, kilns, or other similar equipment.
(e) The establishment of a trash/recycling materials transfer and storage business; and
(f) Any use that is noxious or offensive because of odors, dust, noise, fumes, or
vibrations.

16-2-106. Service stations, automotive.

(a) There shall be a building setback from all right-of-way lines of no less than 40 feet.
(b) Pump islands and the supports of any sheltering canopy shall set back a minimum
of 25 feet from the street right-of-way.
(c) Pump islands and main and accessory buildings shall not be constructed closer than
50 feet to any residential district.
(d) A raised curb, at least 6 inches in height, shall be constructed along all street
property lines, except at driveway openings.
(e) All repairs to motor vehicles which result in disabling the vehicle for more than 24
hours shall be conducted inside closed facilities. See Section 16-2-97 of this Code.
(f) All lighting or illumination on-site shall be contained on the premises.
(g) Vehicle Storage. The outside storage of vehicles, whether operable or inoperable, at
service stations or repair garages shall be limited to a maximum of 45 days. (Ord. No. 5892, §2, 8-
7-2012)

16-2-107. Setbacks for residential infill development.

This section shall be applied where the setback requirements of this Code would create
incompatible infill development. In cases where vacant lots exist in established residential
neighborhoods or subdivisions, development of said vacant lots shall be compatible with those
abutting lots. The proposed infill units shall conform to any standards required by valid recorded
plats, or approved, valid site plans, to the extent provided by law. Where such documentation is not
available, the setbacks of the proposed infill units shall be based upon the minimum setbacks of
abutting units. [Example: if a proposed infill lot abuts two single-family homes with front setbacks
of 15 feet and 25 feet, the proposed unit shall be constructed with a 20 feet front setback].
16-2-108. Temporary uses or enterprises.

Temporary uses or enterprises such as a carnival, circus, church tent revival, or similar temporary use shall be permitted only in a commercial zoning district and shall have no facilities located nearer to a residential district than two hundred (200) feet and no nearer to any occupied residential structure than five hundred (500) feet. The site shall have access drives so located as to minimize traffic hazards. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, and traffic from becoming a nuisance to uses on other adjacent properties. Each temporary use permit for such an enterprise shall be valid for a period of not more than ten (10) days and shall not be granted for more than three such periods for the same location within any ninety (90) day period.


On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 3 ½ feet and 10 feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and a line joining points along said streets rights-of-way lines 25 feet from the point of intersection. The following graphic illustrates this requirement. (Ord. No. 5904, §1, 11-20-2012)

Not to scale.

INTERSECTION VISIBILITY

### Article XI. Permitted Uses

#### Table of permitted uses.

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-L</th>
<th>PD</th>
<th>VL</th>
<th>CTR</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>M-1</th>
<th>M-2</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Building/Structures/Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Daycare</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport/Landing Field</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Package Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Grazing</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Farm, Intensive</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Farm, Small, Specialty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Hospital, Pound, or Shelter</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appliance Repair/Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arcade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asphalt Products Production</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber/Beauty Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars, Lounges, Taverns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batching or Mixing Plant, Asphalitic or Portland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement, Lime or Plaster-of-Paris – Manufacture of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

P – Permitted use by right.  CU – Permitted use by conditional use approval.  Blank – Not a Permitted Use.
<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-L</th>
<th>PD</th>
<th>VL</th>
<th>CTR</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>M-1</th>
<th>M-2</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceramic Products – Brick, Tile, Clay, Glass, Porcelain – Manufacturing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Childcare Center</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales, Temporary</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinics &amp; Medical Offices</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CU</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clothing Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CU</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store, 3,500 Square feet or less</td>
<td>CU</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store, more than 3,500 Square feet</td>
<td>CU</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country Club</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dairies</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry Cleaners/Laundry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplication Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Multi-Family - Duplex</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Multi-Family - up to 12 units per acre</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Multi-Family – over 12 units per acre</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Single-Family – Attached, or Upper Floor</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Single-Family – Detached</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Single-Family – Zero-Lot Lines</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Resident Security Guard or Caretaker Employed on the premises. No RV or manufactured home.</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, Townhouse</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Daycare</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farming General</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Institution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Institution, Drive Through</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fish Hatchery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flea Market</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florist Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P – Permitted use by right.  CU – Permitted use by conditional use approval.  Blank – Not a Permitted Use.
# HOT SPRINGS CODE
## ZONING CODE

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-L</th>
<th>PD</th>
<th>VL</th>
<th>CTR</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>M-1</th>
<th>M-2</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Products, including the slaughtering of animals or poultry; Manufacture of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forestry Operation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fortune Teller/Palm Reader/Psychic Operation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral Home and Related Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted Use</td>
<td>R-1</td>
<td>R-2</td>
<td>R-3</td>
<td>R-4</td>
<td>R-L</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline or Service Station</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Courses</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grocery Stores</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Waste Transfer, Storage</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Water Treatment Facilities</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupation – Type B</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennels</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landfills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laundry plant, Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock Sales, Auction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lodges and Clubs</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, Explosives/Volatile Material</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing, General</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marinas and Related Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Massage Parlors</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining of Gravel, Topsoil, Rock or Similar Material (Quarries)</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining, Not Specified</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motor Freight Terminal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Museums/Galleries</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>News Stands</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclubs and Dance Halls</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P – Permitted use by right.  CU – Permitted use by conditional use approval.  Blank – Not a Permitted Use.
## Permitted Use

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-L</th>
<th>PD</th>
<th>VL</th>
<th>Uses to be proposed by the applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurseries and Greenhouses</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Nursing/convalescent Home</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Outdoor Storage, Retail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Outdoor Storage, Wholesale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Park or Playground, Public</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Parking Lot or Garage, Public</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Personal Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Pharmacy/Drug Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Power Plants/Generation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Printing and Publishing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Produce Stands</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Public Building</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Race Track</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Radio or TV Tower and/or Communication Tower, Individual Private Use (i.e. Hamm Radio)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Recreation, Active</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Recreation, Passive</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Recreational Vehicle Park/Campground</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Recycle Collection/Transfer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Religious Institution</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Residential Group Living Facility</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Restaurant, Drive-Through/Drive-in</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Restaurant, Sit-down/Take-out</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Riding Academy</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Salvage/Junk Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>School, Business, Commercial, or Trade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>School, Preschool</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>School, Primary or Secondary</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Self-Storage Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*</td>
</tr>
</tbody>
</table>

P – Permitted use by right.  CU – Permitted use by conditional use approval.  Blank – Not a Permitted Use.

Supplement 37  

Title 16\*Page 109
### Permitted Use

<table>
<thead>
<tr>
<th>Permit Use</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>R-L</th>
<th>PD</th>
<th>VL</th>
<th>CTR</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>C-4</th>
<th>M-1</th>
<th>M-2</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skating Rink</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sporting Goods Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio, Production</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tar or Tar Products, Creosoting, or Similar Process</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tattoo Parlor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Construction Buildings – Office use only – no residence</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck Stop/Travel Center/Truck Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Substations</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variety Store/Discount Store</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle, Auto Body Repair/Painting</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle, Mechanical Service/Repair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Parts Store – Retail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Parts Store – Wholesale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Sales/Leasing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Treatment Plant</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Water Treatment Plant</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale, Enclosed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P – Permitted use by right.  CU – Permitted use by conditional use approval.  Blank – Not a Permitted Use.

(Ord. No. 5229, §1, 10-6-03 [amends Ord. 5158 by adding Bed and Breakfast as a Conditional Use in R3, R4 and RL.])

16-2-161. Zoning map.

The Hot Springs, Arkansas, Zoning Map attached hereto is hereby adopted as the Official Zoning Map for the City of Hot Springs, Arkansas. Said map may be amended from time to time in accordance with the applicable provisions of the Zoning Code.

Editor’s note—The Official Zoning Map can be found in the Office of the City Clerk or the Planning & Development Department of the City of Hot Springs.

16-2-162. Penalty.

The penalty for violation of this Code shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 5158, §§1,2,5, 2-17-03)
CHAPTER 3
MANUFACTURED AND MOBILE HOMES

16-3-1. Short title.

This ordinance may be referred to as the “Hot Springs Manufactured Home Ordinance.”

16-3-2. Definitions.

For the purpose of this ordinance, the following words and terms shall have the following meanings:

Manufactured home. Manufactured home means a dwelling unit constructed in a factory in accordance with federal standards and meeting the definitions set forth in the federal standards and under A.C.A. §20-25-102. (Ord. No. 5450, §1, 5-22-06)

Manufactured home overlay zones: Areas of the city as defined on the zoning map for permitted placement of manufactured homes without a conditional use permit.

Manufactured home park: A tract of land, five (5) acres or more under one ownership, divided into separate individual spaces for placement of manufactured homes where the individual spaces for manufactured homes are intended for rent or lease.

Manufactured home subdivision: The division of a tract of land five (5) acres or more into two (2) or more parcels to be sold for the permanent placement of manufactured homes or other types of factory built homes including modular, panelized and pre-cut units.

Mobile home: A single family dwelling that is fabricated in an offsite facility prior to the enactment of the Federal Manufactured Home Construction and Safety Standards (24 CFR 3280), the same being no longer permitted in the city of Hot Springs except as outlined in Section 16-3-1.7 of this ordinance.

16-3-3. Manufactured homes – Prohibitions and exceptions.

The following prohibitions and exceptions shall apply to all manufactured homes within the corporate limits of the city of Hot Springs.

(a) Manufactured homes may be placed within the city of Hot Springs only as authorized by this ordinance.
(b) Manufactured and mobile homes shall not be permitted for the following permanent and temporary uses: accessory facilities to commercial buildings, temporary office or commercial facilities (e.g., financial institutions), temporary or permanent additions to schools, churches, hospitals or other such institutions, or any similar uses.

(c) Manufactured or mobile homes may be utilized for temporary construction offices in commercial or industrial zones during the term of construction activity for which a valid building permit has been issued and maintained.

(d) Manufactured homes may also be permitted in emergency or extraordinary circumstances pursuant to Ordinance No. 4948.

(e) For the safety, health and welfare of the occupants, all manufactured homes placed within the city of Hot Springs after the effective date of this section and as authorized by this ordinance, shall have been manufactured after October 25, 1994, the same being the effective date of the Federal Construction and Safety Standards incorporating revised specifications for fire safety requirements as codified at 24 CFR 3280.203. (Ord. No. 5450, §2, 5-22-06)

16-3-4. Manufactured home overlay zone.

In addition to the other applicable sections of this ordinance, manufactured homes located in manufactured home overlay zones and shall comply with the following rules and regulations.

(a) Manufactured homes shall comply with the site requirements as specified in Section 16-3-10 of this ordinance.

(b) Set backs shall be as required by the zoning code for the underlying zoning district in which the manufactured home is to be located.

Editor’s note—The manufactured home overlay zoning map is on file in the Office of the City Clerk.

16-3-5. Manufactured home parks.

In addition to the other applicable sections of this ordinance, manufactured home parks shall comply with the following rules and regulations.

(a) Manufactured home parks shall be allowed as a conditional use and served by city utilities and protected from commercial and industrial activity.

(b) Manufactured home parks may be placed in such zoning districts and in such manner as prescribed by the Hot Springs Zoning Code.

(c) Developers must comply with all zoning requirements prior to the development of a manufactured home park including but not limited to receipt of a conditional use permit as required by the zoning code.
(d) Manufactured home parks shall be a minimum of five (5) acres.

(e) Minimum lot sizes for manufactured home parks shall be 40 feet by 120 feet.

(f) Streets in a manufactured home park shall be constructed in accordance with the provisions of the Hot Springs Street Specification Ordinance.

**Cross reference**—Street specification ordinance, Title 15, Chapter 10.

(g) Two paved parking spaces will be provided in the front portion of each lot. The parking pad may be placed within the front yard 25-foot setback area.

(h) Minimum requirements of this section, including lot sizes or set back requirements, shall not be subject to reduction through variance by the board of zoning adjustment or other action by the commission.

(i) Manufactured homes placed in manufactured home parks shall comply with the site requirements as specified in Section 16-3-10 of this ordinance.

(j) Minimum setbacks shall be as follows: front, 25 feet; side 10 feet; and rear 10 feet.

**16-3-6. Manufactured home subdivisions.**

In addition to the other applicable sections of this ordinance, manufactured home subdivisions shall comply with the following rules and regulations:

(a) Manufactured home subdivisions shall be allowed, as a conditional use, in such zoning districts and in such manner as prescribed by the Hot Springs Zoning Code. Developers must receive a conditional use permit as required by the zoning code, and comply with the requirements of the Hot Springs Subdivision Rules and Regulations including lots sizes for the zone they are located in, prior to the development of a manufactured home subdivision.

**Cross reference**—Subdivision rules and regulations, Title 16, Chapter 4.

(b) Manufactured home subdivisions shall be served by city utilities and protected from commercial and industrial activity.

(c) Manufactured home subdivisions shall be a minimum of five (5) acres.

(d) Manufactured homes placed in manufactured home subdivisions shall meet the following requirements:

(1) **Density.** No more than one manufactured home shall be installed per lot in a subdivision platted according to the subdivision ordinance.

(2) **Site requirements.** Manufactured homes shall comply with the site requirements as specified in Section 16-3-10 of this ordinance.
(3) Parking. A minimum of two spaces shall be provided per residence and such spaces must be asphalt paved, concrete, or a surface accepted by the planning commission.

(4) Set backs. Set backs shall be as required by the zoning code for the zoning district in which the manufactured home subdivision is to be located.

16-3-7. Pre-existing uses.

The provisions of this ordinance shall not apply to mobile or manufactured homes (residential or commercial) approved by the planning commission and installed prior to the effective date of this ordinance. Provided, however, that such pre-existing uses must continue to remain in compliance with the conditions, if any imposed as part of the original conditional use permit.

16-3-8. Pre-existing parks and subdivisions.

This ordinance shall not apply to trailer parks or mobile home subdivisions approved prior to the effective date of this ordinance, hereafter termed “pre-existing parks and subdivisions.” Any renovation or expansion of a portion of a pre-existing park or subdivision shall comply with the provisions of this ordinance for new parks or subdivisions to the extent of such renovation or expansion. Any homes placed and/or replaced within a pre-existing park or subdivision after the effective date of this ordinance, shall meet the requirements of this ordinance. (Ord. No. 5450, §6, 5-22-06)

16-3-9. Replacement of pre-existing individual manufactured or mobile homes.

In addition to the other applicable sections of this ordinance, any individual manufactured or mobile home, located in a residential zoning district, for which a conditional use permit was approved and which was installed prior to the effective date of this section may be replaced after the effective date of this ordinance provided that the replacement manufactured home complies with the following rules and regulations:

(a) Application for replacement of pre-existing individual manufactured or mobile homes shall be submitted to the planning director within twelve (12) months of the removal of the pre-existing home.

(b) Replacement manufactured homes shall meet the site requirements specified in Section 16-3-10 of this ordinance, and shall be placed within six (6) months of the replacement approval, or the original conditional use permit shall expire.

16-3-10. Placement regulations.

The following additional requirements shall govern the construction, installation and maintenance of all manufactured homes within the city except as may otherwise be provided in this ordinance. In addition to the following requirements, such other regulations or conditions that are applicable to other single-family dwellings in the same residential district or zone shall be applicable to manufactured homes.
MANUFACTURED AND MOBILE HOMES

(a) **Construction.** The manufactured home shall be constructed in compliance with the Federal Manufactured Home Code and Safety Standards (24CFR 3280) and the Arkansas Manufactured Home Standards Act (A.C.A. § 20-25-101 et seq.).

(b) **Skirting.** The manufactured home shall have skirting or curtain wall constructed of materials approved by the city including, but not limited to: masonry, brick block, rock, vinyl or fiberglass. Such enclosure shall be installed and ventilated in accordance with the manufacturer’s instructions or the rules and regulations promulgated by the Arkansas Manufactured Home Commission.

(c) **Landing and steps.** The manufactured home shall have permanent landings and steps provided at each exterior doorway from the door threshold to ground level.

(d) **Installation.** The manufactured home shall be installed in accordance with the installation instructions provided by the manufacturer and the rules and regulations of the State of Arkansas, including: site preparation, pier foundations-footings, pier-support columns and anchoring. Towing devices must be removed, if possible, or concealed in a manner acceptable to the city. In addition, all decks, landings, steps, porches and exterior appendages shall comply with the applicable building and premise codes.

(e) **Driveways and parking pads.** Each manufactured home shall have two (2) paved off-street parking spaces and a paved driveway.

(f) **Inspection.** Any manufactured home, regardless of age, placed within the corporate limits shall be inspected prior to occupancy for compliance with this ordinance, the property maintenance code and other pertinent laws and ordinances. No such manufactured home may be occupied until a certificate of occupancy has been issued by the appropriate city official.

(g) **Maintenance.** Any manufactured home placed within the city shall be maintained in accordance with the applicable provisions of the property maintenance code. (Ord. No. 5450, §8, 5-22-06)

16-3-11. Planning commission hearing and notification.

The planning commission shall hold a hearing on the original application for any manufactured home subdivision or manufactured home park. Notification of the hearing before the planning commission shall be provided as follows: Legal notice of the public hearing shall be published no less than fifteen (15) days prior to the hearing. The city, no less than fifteen (15) days prior to the hearing, shall notify all persons who own property within 200 feet of the periphery of the parcel of property on which the manufactured home subdivision or manufactured home park shall be located, and this notification shall be in the form of a letter sent to the property owners by mail. (Ord. No. 5450, §9, 5-22-06)
16-3-12. Violations.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 5075, §1, 4-1-02)

16-3-13. Appeals.

The planning commission shall hear all appeals to the requirements of this ordinance.

(a) The planning commission shall have the following powers and it shall be its duty:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement of this ordinance;

(2) To hear requests for variances or deviations from the literal provisions of this code for the placement or replacement of a manufactured home on property located within a duly created manufactured home overlay district, manufactured home subdivision, or manufactured home park;

(3) To hear requests for variances or deviations from the literal provisions of the site requirements, as contained in Section 10 of the manufactured home ordinance.

(b) The planning commission shall not have the authority to grant variances from the provisions of the zoning code relative to the required yard and setback requirements. Such variances may only be considered by the board of zoning adjustment;

(c) The planning commission shall not have the authority to allow the placement of a manufactured home on property that is not located in a manufactured home overlay district, approved manufactured home subdivision or approved manufactured home park;

(d) The planning commission shall not have the authority to allow the replacement of a manufactured home for which a conditional use permit was granted if the replacement home does not comply with the provisions of Section 9 of the manufactured home ordinance.

(Ord. No. 5228, § 1, 10-6-03)
ARTICLE I. IN GENERAL

16-4-1. Short title.

These regulations shall officially be known, cited, and referred to as The Subdivision Code of the City of Hot Springs and shall hereinafter be referred to as The Subdivision Code.

16-4-2. Authority.

This Subdivision Code is promulgated in accordance with the authority cited in Arkansas Code Annotated §14-56-401 through §14-56-426 (Municipal Planning).

16-4-3. Adoption by reference.

In order to provide for the health, safety, and general welfare of the public, the City of Hot Springs Board of Directors has adopted this technical code by reference in accordance with the provisions of A.C.A. §14-55-207 (publishing or posting requirements).

16-4-4. Related regulations.

These regulations shall be used in association with the latest adopted regulations relating to: (a) street specifications and regulations; (b) drainage specifications and regulations; (c) utility specifications and regulations; (d) planning and zoning regulations; (e) flood plain management and stormwater regulations; (f) landscape regulations; and (g) other applicable ordinances, rules and regulations of the city. Where two or more of these specifications conflict, the most restrictive specification or regulation shall govern.

Cross references - Street specifications, §15-10-1; Drainage specifications, §15-11-1; Stormwater management, §15-13-1, Flood prevention, §15-8-1; Landscape regulations, §16-9-1; Solid waste collection and disposal, §9-1-1; Water system, §9-4-1; Wastewater system, §9-3-1.

16-4-5. Enforcement.

It shall be the duty of the planning director, with the assistance of the city attorney, to enforce these regulations. The planning director may delegate these administrative responsibilities under these regulations to designated staff.
16-4-6. Reserved

Amendment Note- Ord. No. 5835 repealed an penalty clause formally codified in this section.

16-4-7. Amendments.

These regulations may be amended at any time after the planning commission has held a public hearing on the proposed amendments as required by state law. At or after such public hearing, the planning commission may recommend to the board of directors the adoption of such amendments. The board of directors may accept, modify or deny such amendment recommendations. All amendments shall be approved by ordinance of the board of directors.

16-4-8. Legislative purpose and intent.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations incorporate standards designed to ensure proper development of land for urban use. The specific purposes of these regulations are:

(a) To protect and provide for the health, safety and general welfare of the public.

(b) To guide the future growth and development of the planning area in accordance with the Comprehensive Plan, including Master Street Plan and Capital Improvements Plan.

(c) To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population.

(d) To protect the character and the social and economic stability of the planning area and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing residential and non-residential areas with adequate public facilities, to assure proper urban form and open space separations of urban areas, to protect environmentally critical areas and areas premature for urban development.

(e) To protect and conserve the value of land, buildings and improvements, and to minimize adverse impact on adjoining or nearby properties.
To establish a beneficial relationship between the uses of land and buildings, and the public street system; to require the proper location and design of streets and building lines; to minimize traffic congestion; and to make adequate provision for pedestrian and traffic circulation.

To establish reasonable standards of design and procedures for subdivision and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.

To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the municipality and planning area and to ensure appropriate development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of drainage facilities.

To encourage subdivision of land in accordance with the capital improvements program, provided with efficient transportation, adequate public facilities and improvements including streets, storm drainage, water, sewage, school sites, playgrounds, recreation and other public requirements and facilities.

16-4-9. Jurisdiction and application.

The application of this code should conform to the following guidelines.

(a) These regulations shall apply to and control development of land within the corporate limits of the City of Hot Springs and its territorial jurisdiction, herein termed “planning area” as illustrated and described on the planning area boundary map attached hereto as provided by state law (A.C.A. §14-56-413). Such planning area may be amended or adjusted by action of the board of directors from time to time. The jurisdiction of these regulations shall automatically be amended and adjusted as and when such planning area map is amended or adjusted by the board to coincide with the boundaries of the revised map. A copy of the planning area map is available in the Hot Springs Planning and Development Office and the Garland County Circuit Clerk’s Office in accordance with statute A.C.A. §14-56-413 (b) (2).

(b) It is the policy of the city to consider large scale developments and the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the comprehensive plan for the orderly, planned, efficient and economic development of the city.

(c) These regulations shall apply to the subdivision of land within the corporate limits of the city and the planning area as follows:

(1) All divisions or platting of a tract or parcel of land into one (1) or more lots, building sites or other divisions for the purpose, whether immediate or future, for sale, lease, rent or building development shall be considered a subdivision and subject to this code.

Editor’s Note: Ord. No. 6012 approved 3-18-2014 removed §16-4-9 (a)(1-9)
The dedication, construction or vacation of any street or alley through any tract of land, regardless of the area involved as may be desired by the owner, or, if necessary, to achieve conformance with the comprehensive plan, shall be considered a subdivision and subject to this code.

The reduction in width or depth of a lot or tract of land through public acquisition for right-of-way for street or drainage purposes shall not be deemed to create nonconformity, provided that the resultant land area and configuration is sufficient to meet minimum dimensional and area standards of the applicable zoning regulations or the applicable standards as set forth in Article IV hereof.

These regulations shall apply to large scale developments within the corporate limits of the city and the planning area as specified in Article II hereof.

These regulations shall not apply to the following:

- The division of land into parcels greater than ten (10) acres provided each newly created lot or parcel has minimum lot frontage on a public street and requires the construction of no additional streets; and
- The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other public improvements.

Lots of Records (Ord. No. 5822, §2, 6-7-2011)

Family Land Division subject to the following qualifications:

- The minimum acreage or size for each new family lot parcel or tract shall be one (1) acre. The residual parcel and any other lot, parcel or tract resulting from family divisions shall also conform to the provisions of this chapter. The lot shall be of a size and configuration to allow construction in conformity with minimum local or state setback or building line requirements.
- The property has been owned for at least four (4) consecutive years by the current owner or the property owner.
- Family divisions shall be located on legal private easements of not less than 20 feet or shall front on publicly maintained roads. All required access permits from a publicly maintained road shall be demonstrated prior to approval of the plat.
(iv) Each proposed family division application shall include a survey plat prepared by a licensed surveyor for the proposed division which plat shall include a statement acknowledging that Family Land Division Qualifications are known to the applicant/land owner and those qualifications are met. This plat represents an exempt Family Land Division. Any further division hereof must meet the requirements for a subdivision in accordance with Hot Springs Subdivision Code. Acceptance of a Family Land Division Plat neither implies compliance with other rules and regulations nor suitability for development. Any private streets or driveways within the boundary of this document are privately owned and will therefore not be accepted for perpetual maintenance by the City of Hot Springs or by Garland County.

(v) Certification and Notes. The plat shall display certifications and notes as required.

(1) Certificates shall be in such form provided by the City of Hot Springs. Certification Signature blocks shall contain text no smaller than 11 point font providing for signature and date by licensed land surveyor (Certificate of Surveying Accuracy), and all owners (Owner Certificate Family Land Division) and all such required signatures shall be provided prior to plat acceptance. Certificate of Recording Family Land Division provides for Garland County Circuit Clerk documentation.

(2) Construction activity note. The plat shall include on its face the following: Construction activity in the State of Arkansas is regulated by the Arkansas Fire Prevention Code and this document does not presume to grant authority for any violation of said code nor any applicable technical codes and specifications, whether or not submitted for City of Hot Springs review or for Planning Commission approval. Contact the local Fire Code Official prior to beginning any construction activity.

(vi) Acceptance will be demonstrated by Certificate of Exempt Family Land Division and by signature of the authorized approving official.

(vii) All other applicable federal, state, and local requirements shall apply.

(Ord No. 5834, §1, 9-6-2011)

Editors Note-Ord. No. 5822 repealed an exemption for certain lots and replace with “lots of record”.
Cross Reference- 16-4-90 definition of lots of record.
16-4-10. Types of subdivisions.

The application of this code should conform to the following guidelines for subdivisions:

(a) Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, these regulations hereby provide for the establishment of six (6) subdivision types: commercial/office, industrial, manufactured home park, manufactured home subdivision, residential and minor subdivisions and incidental submissions. Design standards applicable to each of these six (6) types are outlined in later sections of these regulations.

(b) Prior to the approval of any subdivision improvement plans, the planning commission shall classify and evaluate each subdivision according to its planned future use, it being the responsibility of the applicant to identify the type on the proposed plat. Where a proposed plat incorporates more than one (1) use of the type specified in these regulations, either the different land use types shall be clearly delineated on the submitted preliminary plat, or separate plats shall be filed for each land use type together with a scale drawing illustrating the proposed layout as a totality.

(c) The purpose and intent of each subdivision type shall be generally as follows:

(1) Commercial or office subdivisions are intended to accommodate one (1) or more commercial building sites on either single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structure and ownership.

(2) Industrial subdivisions are intended to fulfill a two-fold objective:

   a. To provide both opportunity and flexibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent non-manufacturing areas.

   b. To apply sound design principles and orderly development to industrial parcels through the creation of one (1) or more building sites or lots.
(3) Manufactured home subdivisions are intended to ensure proper layout and development of lots for manufactured home occupancy by establishing appropriate standards for density, spacing and placement and by requiring off-street parking, storage facilities and open space. These regulations are intended to facilitate location of manufactured homes within the jurisdiction of these regulations by making available appropriate sites for such occupancy.

(4) Manufactured home parks are intended to ensure proper layout and development of manufactured homes spaces for lease or rent by establishing appropriate standards for density, spacing and placement and requiring off-street parking, storage facilities and open space. These regulations are intended to facilitate location of manufactured home parks within the planning area by making available appropriate sites for such occupancy.

(5) Residential subdivisions are intended to ensure efficient, aesthetic and convenient designs for single-family, zero-lot line, duplex and multifamily residential development, and to provide harmonious relationships with surrounding areas.

(6) Minor subdivisions and incidental submissions are intended to provide review standards for small subdivisions, lot splits, recombinations and lot-line adjustments of a minor nature.
16-4-11. Plat recording and improvements required.

The following regulations shall govern the recording of plats and issuance of construction permits for large scale developments and subdivisions:

(a) No subdivision plat or any part thereof shall be recorded prior to obtaining final plat approval from the planning department, nor shall anyone convey title to any lot or lots before obtaining final plat approval and recording the final plat with the Garland County Circuit Clerk. The filing of record of metes and bounds legal descriptions for any property or parcel contained within an active preliminary plat shall void said preliminary plat approval.

(b) No building permit, plumbing or other permits shall be issued for construction of any building or structure located on a lot or plat subdivided or sold, nor for any large scale development, in violation of the provisions of these regulations or local, state or federal laws within the corporate limits of the City of Hot Springs or the planning area as applicable. Provided, further, that no permits shall be issued until the final plat has been approved and the infrastructure improvements have been constructed or bond provided in accordance with the applicable development ordinance.

(c) No building permit, plumbing or other applicable permits shall be issued for construction of any building or structure on any tract of land within the corporate limits of the City of Hot Springs until the plans for such building or structure is approved in writing by the planning director or his authorized representative.

(d) The city will not permit any development on a lot in a subdivision for which a plat has been filed and recorded but neither infrastructure improvements have been constructed nor bond provided in accordance with the applicable development ordinance.

(Ord. No. 5835, §2, 9-6-2011)

16-4-12. Re-subdivision of land.

When applying to re-subdivide land, the following guidelines shall be followed:

(a) Previously platted lots served by an existing street system may be recombined without re-platting, provided that there is no increase in the number of lots and no increase in the number or extent of non-conformities of size, shape or open space.
(b) Previously platted lots or series of lots returned to acreage by court order or which were formerly provided access from rights-of-way which have been abandoned shall be re-subdivided in conformance with these regulations prior to issuance of any permits for construction. The reduction to acreage or abandonment of street right-of-way shall constitute abandonment of the former lots of record.

16-4-13. Vacation of plats.

Any plat or any part of any plat lying within the corporate limits of the city may be vacated by the owner pursuant to the procedure set forth in A.C.A. §14-41-301 et. seq. (Reduction to Acreage). Any plat lying outside the city limits and within the planning area may be vacated by action of the appropriate county authority in accordance with applicable state law (A.C.A. §14-18-109).

16-4-14. Conformance to zoning.

All subdivisions and large scale development projects shall conform to all provisions of the applicable zoning district regulations in which the proposed development or subdivision is located. No provision of the proposed subdivision plat or development site plan shall override such zoning requirements. No waiver shall be requested or approved which would conflict in any way with the applicable zoning requirements. Any subdivision or large scale development project located in a portion of the planning area not subject to zoning regulations, shall conform to the applicable standards as set forth in Article IV (Standards) hereof.

16-4-15. Waivers.

The application of this code should conform to the following guidelines for waivers.

(a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the planning department shall review such requests for waivers and the planning department shall forward its recommendation to the planning commission for final action so that substantial justice may be done and the public interest secured. Such waivers, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a waiver shall be granted:

(1) The conditions upon which the request for waiver is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.

(2) The granting of the waiver will not be detrimental to the public safety, health or welfare of, or injurious to other property.
(3) The waiver will not in any manner vary the provisions of the applicable zoning regulations. Provided, however, that the planning commission may consider and approve requests for building set-back waivers at the preliminary plat stage. If approved, such set-back waivers shall be so noted on the final plat.

(4) Pecuniary hardship, standing alone, shall not constitute grounds for the granting of a waiver or variance.

(b) No waiver shall be granted except upon written petition by the developer when the preliminary plat or site plan is filed for consideration by the planning commission. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving waivers, the planning commission may, at its option, require special conditions to ensure development in accordance with objectives, standards and requirements of this code.

(c) In those instances where a recorded final subdivision plat has established building setback lines in accordance with zoning regulations, waivers of those lines shall only be granted by the board of zoning adjustment upon application for a re-plat and review and recommendation by the planning department. Waiver requests of the setback standards established by this code for such subdivisions located in any portions of the planning area not subject to zoning regulations shall be considered by the planning commission. The planning commission or board of zoning adjustment shall review each building line waiver request for hardship circumstances as required by the applicable zoning regulations. Any such waivers approved by the board of zoning adjustment or the planning commission shall be reflected on a final re-plat of the subject lots which shall be signed by the planning director and recorded in the office of the circuit clerk of the county. A bill of assurance amendment shall not be required by the review process nor shall the planning director sign a bill of assurance. The owner or applicant shall be instructed to review the filing procedure with the circuit clerk should a revised bill of assurance be required by that office. Platting costs shall be borne by the applicant or owner.

16-4-16. Amendments and modifications.

The holder of an approved large-scale development site plan or any subdivision plat may request modification thereof or the conditions of approval by submitting an amended plan or plat which shall be filed and processed in the same manner as the original application. However, the planning director may approve such minor changes in the site plans and subdivision plats so as to not cause any of the following circumstances to occur:

(a) Any change in the allowable use of the development.

(b) Any increase of greater than five (5) percent in the number of dwelling units but not to exceed the total allowable dwelling units in the respective zoning classification for projects subject to zoning regulations.
(c) Any modification compounding the problems of vehicular circulation, safety and provision of public utilities.

(d) Any modification having a measurable adverse impact on adjacent property.

(e) Any reduction of the approved building setback lines.

(f) Any reduction of the off-street parking and loading requirements below those specified in this code.

16-4-17. Appeals to the board of directors.

Any action of the planning commission may be appealed to the board of directors in accordance with the following procedure.

(a) The aggrieved party shall request an appeal by filing a "notice of appeal" with the planning department not later than thirty (30) days from the date of the planning commission’s final action. The notice of appeal shall be filed on such form(s) as may be prescribed by the planning department. The city clerk shall prepare a proposed resolution for consideration at the next regular meeting of the board of directors in accordance with the board’s agenda preparation rules and procedures.

(b) Appeals shall be heard by the board of directors de novo whereby the board shall hear and decide to grant or deny an application based on all the evidence presented to the board, including the planning commission record, as well as any other proof either party may wish to place before the board. The legislation shall be worded in the affirmative and the board may vote to either grant or deny the application.

16-4-18 -- 16-4-19. Reserved.

ARTICLE II.  MULTIPLE BUILDING AND LARGE SCALE REVIEW AND SITE PLAN APPROVAL

16-4-20. Purpose.

(a) The purpose of this section is to accomplish the goals of the City of Hot Springs Comprehensive Plan and affect observance of the Arkansas Fire Prevention Code.

(b) Multiple building sites and large scale development sites pose a higher degree of potential impact, both positive and negative, to the orderly growth and development of the City of Hot Springs and are therefore subject to a close scrutiny of these potential impacts. This review is a streamlined method for more complex projects to receive multiple city department review by a single application, thereby reducing multiple submittals and saving time.
(c) This section does not apply to existing lots of record where one (1) single-family dwelling and any accessory structure is proposed.

16-4-21. Authority.

(a) Large scale development projects and multiple structure projects in the City of Hot Springs Planning Area, involving the construction of two (2) or more structures, together with the necessary access drives, easements, utilities, parking, landscaping, pedestrian circulation, and building locations shall be subject to the provisions of this section. Complete plans for all such projects shall be submitted to the department of planning and development, accompanied by a completed application form and payment of the appropriate fees, for review by the planning commission. No permit shall be issued until the site plan is approved.

(b) Large scale development projects include the following:

(1) All Group A-Assembly, Group E-Educational, and Group I-Institutional occupancies as defined in the Arkansas Fire Prevention Code, except Group A occupancies with an occupant load less than or equal to 50;

(2) Buildings and structures 3 or more stories in height as defined in the Arkansas Fire Prevention Code; and

(3) Reserved.

16-4-22. Site plan review, form and content.

(a) Site plan review is a development process that provides for case by case consideration of project particulars where many of the individual components of a project are verified as compliant with the appropriate codes and ordinances in a single step. This does not forego the requirements of subdividing. All subdivisions, as defined in this code, shall be administered in accordance with the requirements of those sections. Subdivision platting shall precede site planning for multiple building lease or sales sites.

(b) A site plan shall be submitted for review as a large scale development or multiple building site and shall show all pertinent information including:

(1) A site plan, drawn to scale, on white paper no larger than 24x36 and no smaller than 11x17 and showing the following to be compliant with the respective individual standards and ordinances:

   a. Graphic scale and north arrow

   b. Location map

   c. Zoning classification per the City of Hot Springs Zoning Map

   d. Location of all structures showing setbacks to all property lines and distances between buildings
e. Overall site layout depicting any individual platted lots

f. Location and dimensions of existing and proposed vehicular access and interior vehicle circulation

g. Arrangement of all off-street vehicle parking and showing all dimensions

h. Existing and proposed pedestrian circulation

i. Drainage and stormwater provisions and associated easements

j. Proposed perimeter treatment of the property including screening, fences, walls and retaining walls

k. Schematic landscape plan showing proposed treatment of the areas designated as either buffers or private common open space

l. Location and dimensions of all existing and proposed private and public utilities and easements

m. The proposed development’s relationship to surrounding areas including adjacent property zoning, uses, street names and right of way widths

(c) The following quantitative data shall be included:

a. Proposed and existing building coverage of all buildings

b. Overall area and individual platted lot areas

c. Proposed and existing total and individual floor area of all buildings

d. Number of proposed and existing parking spaces

e. Number of proposed and existing disabled parking spaces

(d) A land survey showing the exact property boundary lines, including a legal description of the total site proposed for development and individual previously platted lots within the overall development, all existing and proposed easements and a statement of present property ownership and proposed or contracted future ownership. The survey shall include a flood plain statement and any areas of the property located in a special flood hazard area shall be shown, including boundaries of the special flood hazard area.

(e) Any variances or waivers from the literal provisions of the various codes and ordinances shall be depicted on the site plan and requested in writing to accompany the submittal. The requests shall clearly state the reasons for the request and the undue hardship presented by compliance with the particular code or ordinance. Pecuniary hardship, standing alone, shall not constitute a hardship. A use other than that allowed by the zoning ordinance may not be requested in this way. The planning commission may modify or waive standards only after satisfactory demonstration of the undue hardship.
(f) The submittal shall include, in writing and accompanying information, any known or perceived negative or adverse impacts that the proposed project may impose on adjacent or nearby properties.

(g) The submittal shall include either a completed and approved Development Permit Exemption Certificate or a completed and approved Application and Permit Form to Develop in a Flood Hazard Area from the Garland County Flood Plain Management Officer.

(h) In the case of a phased development, the initial site plan shall include the information required by this section for the entire property. Each subsequent structure or lot development shall complete site plan approval and shall include all previous development particulars.

16-4-23. Amendments and modifications.

(a) The holder of an approved and valid 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 reviewed in the same manner as the original application. However, the planning director may administratively approve such minor changes in the site plans as will not cause any of the following circumstances to occur:

1. Any change in the allowable use of the development;
2. Any increase in the approved number of dwelling units;
3. Any reduction of the approved building setback lines;
4. Any reduction in the approved off-street parking;
5. Any increase in the approved building area;
6. Any reduction in the approved vehicular or pedestrian circulation; or
7. Any reduction in the approved provision of public utilities;

16-4-24. Review.

(a) A complete submittal shall include a completed application form, all required materials, information and data as described above and payment of the requisite fees and be received in the planning department. Staff shall perform an initial review of the submitted documents in order to verify completeness and legibility. The petitioner shall be notified by the Planning department of any deficiencies in the content of the application within three business (3) days of receipt of a complete submittal. All submittals, and any subsequent corrections after planning staff initial review, shall then be forwarded to the Development Review Committee (DRC) for review and comments. The planning commission shall consider the submittal, and any corrections or additions subsequent to DRC comments, at its next available regular meeting. The planning commission shall consider the submittal on the following standards:

1. Completeness and accuracy of the required submission materials, information and data;
(2) Compliancy with all applicable codes and ordinances; and

(3) The nature and extent of any presented or perceived negative or adverse impacts that the proposal may impose on adjacent or nearby properties and the methods of mitigation of those impacts proposed by the petitioner.

16-4-25. Term of approval.

Multiple building or large scale site plans approved by the planning commission shall be effective for one (1) year from the date of approval. Prior to its expiration date, the director of planning and development may extend the original site plan approval for up to two (2) one (1) year periods upon the applicant’s written request. Planning commission approval of any project that has not fully secured all required permits within the period of time set forth shall be null and void.

16-4-26. Additional regulations.

In addition to the requirements of this section, the planning commission may impose on a site plan such additional requirements as are necessary to accomplish the stated purpose of this section. Such requirements may include, but are not limited to utility easements, right of way dedication, stormwater provisions or any additional information where the building official is empowered by the Arkansas Fire Prevention Code to require the same during the normal course of evaluation.

16-4-27 - 16-4-40. Reserved.

ARTICLE III. SUBDIVISION PLAT APPROVAL AND REVIEW

16-4-41. General procedure.

The planning commission shall exercise the power and authority to review, approve or deny plats for subdivisions and improvements in accordance with these regulations. In this regard, the application procedures and approval process for subdivision development shall be accomplished in four (4) steps, as follows:

(a) Pre-application conference. The first step consists of a pre-application conference. This step involves an informal discussion with the planning department and the submission of a sketch plan containing the information required hereinafter. The pre-application procedure affords the developer the opportunity to obtain the advice and assistance of the planning department early and informally in order to:

(1) Assist the developer in analyzing the development plan.

(2) Give informal guidance to the development at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the developer.

(3) Determine whether or not a combined preliminary and final plat procedure may be authorized.
Advice of the planning department shall be provided in either verbal or written form at the option of the developer within thirty (30) days of the sketch plan submission. It shall be binding on neither the city nor the developer.

(b) Development plan and preliminary plat. The second step involves preparation, by the applicant or applicant’s agent, of development plans and a preliminary plat for consideration by the planning commission and various city departments and agencies. These documents are designed to show the proposed subdivision in sufficient detail to indicate its workability in all respects with all the details fully computed. A developer proposing to subdivide within the city or planning area of the planning commission shall not proceed with any construction work on the proposed subdivision, excluding clearing subject to applicable storm water permitting requirements but including grading, before obtaining preliminary plat and development plan approval. The development plan shall include detailed construction specifications and plans as required by the street, drainage, stormwater, fire prevention and municipal utility codes.

(c) Final plat. The third step involves submission of a final plat conforming to the approved preliminary plat. This step shall be initiated not later than two (2) years after approval of the preliminary plat by the planning commission unless an extension has been granted. The final plat is a completed document incorporating survey documentation in a form required for legal record and sale of lots.

(d) Public infrastructure acceptance. The fourth step involves acceptance of all public dedications, improvements and utilities as prescribed in these regulations by the city and/or county.

16-4-42. Development plan and preliminary plat application and consideration procedure.

The following procedure shall apply to the submission, consideration and approval of development plans and preliminary plats.

(a) Whenever a subdivision is proposed and before any sale of lots located in said subdivision as a whole or any part thereof is made or structures constructed, the owner shall file an application for consideration of the proposed subdivision with the planning department. The applicant shall remit all the necessary fees and submit all necessary documents, plans and plats as required by these subdivision regulations and in accordance with such application filing deadlines as established by the planning commission or planning department.

(b) Upon receipt of a complete application, the planning department shall cause to be distributed copies of the development plan and preliminary plat to other city departments, utility companies, and county and state agencies as appropriate, who shall review the proposed subdivision for conformance with these subdivision regulations and applicable elements of the comprehensive plan. In their review, the various departments and agencies shall take into consideration the requirements of the community and the use of the land being subdivided and
may offer suggestions concerning changes to enable the project to meet the purpose and intent of these regulations. Particular attention shall be given to width, arrangement and location of streets; utility easements; drainage; lot sizes and arrangements; and other facilities such as parks, playgrounds, trails or school sites, public buildings, parking areas and arterial streets; and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.

(c) Recommendations and comments from the various departments and agencies shall be provided to the planning department in such manner as prescribed by the planning department. The planning department shall forward such recommendations and comments, if any, to the planning commission along with the planning department’s own comments and recommendation.

(d) The planning commission shall review the development plans and preliminary plat along with the comments from the various reviewing departments and agencies and the planning department’s recommendation for approval, disapproval or modification.

(e) The planning commission shall review the preliminary plat at its regularly scheduled or special called meeting. The planning commission shall then approve, conditionally approve, deny or defer the plat. Notification of the planning commission’s decision and reason for such decision shall be provided in writing to the developer within ten (10) business days of the planning commission’s action.

(f) Development plans and preliminary plat approved by the planning commission shall be effective and binding upon the commission for two (2) years from the date of planning commission approval at the end of which time the final plat application for the subdivision must have been approved by the planning department unless an extension has been duly granted. Any plat not receiving final approval within the period of time set forth herein or otherwise conforming to the requirements shall be null and void, and the developer shall be required to submit new development plans and preliminary plat of the property for preliminary approval subject to all zoning restrictions, if any, and these regulations.

(g) Upon receipt of a written request fifteen (15) days prior to the expiration of the preliminary plat, the planning director may extend the original preliminary plat approval, for up to one (1) year, when it can be demonstrated that there are no changes in the plat design or neighborhood that warrant a complete review.

(h) Approval of the development plans and preliminary plat shall be evidenced by the planning director’s execution of the Certificate of Preliminary Plat Approval.

(i) Receipt by the developer of the executed certificate of development plans and preliminary plat approval is his authorization to proceed with the installation of required public improvements. The developer shall construct all improvements to the specifications of the approved development plans. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.
(j) If the application is conditionally approved by the planning commission, such conditions shall be agreed to by the applicant and necessary changes made to the development plans and preliminary plat before the Certificate of Preliminary Plat Approval can be executed by the planning director.

(k) Within thirty (30) days of the commission's action, a denied application may be resubmitted to the planning department for review of the required modifications and re-submission to the planning commission. Any such re-submission must be accompanied by payment of fifty percent (50%) of the otherwise applicable fees. The failure to resubmit an application within the prescribed period of time shall invoke procedures required for the filing of a new application.

(l) The planning commission may defer action on a preliminary plat no more than twice before taking action on the request.

16-4-43. Bill of assurance.

(a) A draft bill of assurance, if any, shall be submitted to the planning department for review and approval with the preliminary plat and a final copy containing any revisions with the final plat. Such document shall incorporate but not necessarily be limited to the following: Offering dedications of streets and alleys, parks and other public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; setting forth procedures by which amendments to the bill of assurance can be made. The final bill of assurance shall contain reference to the approval of the final plat.

(b) Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the bill of assurance. The bill of assurance shall contain language advising the property owner to verify the most current information available on the status of flooding on the property.

(c) Where private streets are included within the subdivision, the final bill of assurance shall include a statement that such streets are private and not under the care and custody of the city or county and will, therefore, not be maintained by the city or county.

16-4-44. Final plat review and consideration procedure.

(a) A developer seeking approval of a final plat shall submit the necessary application form and final plat documents to the planning department. The applicant shall remit all necessary fees and meet all the submission requirements at the time of the filing as described in these subdivision regulations and as established by the planning commission or planning department for a final plat review.

(b) The various city departments shall review final plats for conformance with the approved development plans and preliminary plat and for conformance with the survey requirements within these regulations. Comments will be forwarded to the planning department in such manner as prescribed by the planning department.

(c) Water and wastewater facilities shall be reviewed for conformance with the approved construction plans by the appropriate agencies.
Responsibility for final plat approval shall reside with the planning director, who shall approve or disapprove the final plat within thirty (30) days of the submission thereof, unless the developer agrees in writing to deferral. No final plat shall be approved until its conformance with the development plans, preliminary plat and the survey requirements within these regulations have been verified. Approval of the final plat shall be accomplished when the planning director signs the certificate of final plat approval as shown on the plat.

Upon approval and execution of the certificate of final plat approval, the planning department will file the plat for record in the Garland County Circuit Clerk’s office.

Any plat submitted for final plat approval not in conformance with the approved preliminary plat as determined by the planning director shall be denied. If the final plat is denied, such decision shall be communicated to the developer in written form expressing the reasons therefore within five (5) days after such determination is made. Any plat applications denied by the planning director may be appealed to the planning commission for action.

The developer may, in conformance with the provisions of these regulations, seek final plat approval for only a portion of the property for which the preliminary plat was approved in accordance with the preliminary plat phasing plan. For residential plats, however, such phasing shall contain no less than ten (10) percent (in no case fewer than five (5) lots) of the total number of lots contained within the approved preliminary plat. Plats containing fewer than six (6) lots shall not be phased unless specifically authorized by the planning commission. The developer shall not omit segments of streets from a phase that would be required to serve adjacent developing areas.

The final plat may be approved prior to completion of infrastructure construction provided all the assurances and bonding as required in Article IV (Standards) have been provided.

Consideration of minor subdivisions and incidental submissions.

The provisions of this section shall govern the consideration and approval of minor subdivisions and lot splits, recombination, re-plats or lot-line adjustments (hereafter termed incidental submissions).

Lot splits in which a single unsubdivided, tract or parcel is being split into two lots meeting minimum lot requirements of these regulations and any applicable zoning regulations. For purposes of these regulations, undivided parcels (lots of record) are eligible for a lot split only once. Any further divisions of the original or the newly created parcel shall be considered a subdivision in accordance with these regulations. The lot split plat shall describe and depict the original lot of record as the parent parcel and such plat shall include a note stating: This plat represents an approved lot split. Any further division hereof must meet the requirements for a subdivision in accordance with Hot Springs Subdivision Code.

Minor subdivisions containing no more than four (4) lots, in which all lots front an existing public street. Minor subdivisions shall not include any subdivision which is part of a larger tract to be developed in phases.
(3) Recombination of ten (10) or fewer lots in which all lots front a public street.

(4) Replats of existing lots or lot line adjustments in existing subdivisions in which there are ten (10) or fewer lots considered for replat.

(5) Lot-line adjustments to change property lines of existing parcels. This process can be used to combine two (2) or more adjacent parcels into one (1) parcel, alter the boundary between two (2) parcels, make survey corrections in lot lines, or reconfigure the shapes of parcels. In every instance, however, the lot line adjustment process must result in the same number, or fewer, of parcels as there was prior to the adjustment. The lot line adjustment process shall not be used to create additional parcels.

(b) The planning commission hereby delegates to the planning director authority to approve plats for minor subdivisions and incidental submissions meeting the requirements of this section; provided, however, that the planning director may request planning commission review at his discretion. The planning director does not, however, have authority to disapprove minor subdivisions or incidental submissions. Should, in the opinion of the planning director, a minor subdivision or incidental submission not meet the requirements of this section, the planning director, at the request of the applicant, shall forward the request to the planning commission for consideration in accordance with the planning commission’s meeting procedures.

(c) Approval of minor subdivisions or incidental subdivisions may be granted by the planning director only if the following threshold guidelines are met:

(1) No new street or alley is required.

(2) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.

(3) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.

(4) There is adequate street right-of-way as required by these regulations and the master street plan.

(5) All easement requirements have been satisfied.

(6) All lots created by such split or readjusted shall have direct access to a public street.

(7) No substandard sized lots or parcels shall be created.

(8) No waivers or variances from these regulations are requested.
(9) No public improvements, including utility mains or other appurtenances are required.

(10) The submission does not represent the piecemeal development of a larger development that seeks to avoid the spirit and intent of the comprehensive plan or this code.

(d) Submission and approval of minor subdivisions shall be considered as a combined preliminary and final plat. In this regard, the applicant shall meet the submission requirements for a development plan, preliminary plat and final plat including payment of all prescribed fees.

(e) All minor subdivision and incidental submissions shall be submitted to the various city departments for review and comments prior to approval.

(f) Request for incidental submissions, other than minor subdivisions, shall be made by the owner of the land to the planning department on such application forms and in such manner as may be prescribed by the planning director or planning commission. The application fee for incidental submissions shall be the amount prescribed for a preliminary plat. The application shall be accompanied by a professionally prepared plat drawn to scale of the lot(s) or parcel(s) involved. The plat shall include the items specified for incidental submissions and such other information as may be required by the planning director in order to determine if the application meets the requirements for approval as an incidental submission.

(g) The planning director shall, in writing, either approve or forward the proposed minor subdivision or incidental submission to the planning commission within thirty (30) days of application. Approved plats shall be signed by the planning director and filed with the county circuit clerk.
16-4-46. Submission requirements.

All sketch plans, development plans, preliminary plats, final plats and incidental submissions shall contain the information as indicated in the following table. Plans, plats and specifications must be submitted by such deadlines as established by the planning commission for each submission.

<table>
<thead>
<tr>
<th>Subdivision Submission Requirements</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submissions Where Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Number of copies, sheet sizes and formats as prescribed by the planning director including electronic copies</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2 Cover sheet with name, address and contact telephone number for owner, developer, engineer and surveyor</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>3 Key page indexing multi-sheet plats and plans</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>4 The name and type of the subdivision on each plat or plan sheet.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>5 Date prepared, north arrow, numerical and graphic scale on each sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6 Vicinity map, covering a minimum radius of one-half mile of the proposed site, illustrating general location of arterial streets and highways, section lines, railroads, schools, park and other significant community facilities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7 Acreage in the tract, area allocated to each land use, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, location of street right-of-way and easements</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 A current topographic map illustrating in a simple sketch form the proposed layout of streets, lots and other features, and their relationship to the surrounding development patterns</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Minimum building setback lines with dimensions</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>10 Lot and block number on each lot</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
### Subdivision Submission Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submittals Where Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tabulation by lot and/or tract showing total lot area in square feet and width at front setback line</td>
<td></td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Location of the tract by legal description giving acreage to the nearest one-tenth of an acre</td>
<td></td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Boundary lines of each phase when phased construction and/or platting is proposed</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Easements, buffer strips and public service utility rights-of-way giving dimensions, locations and purposes of each</td>
<td></td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Identification of open space, land to be reserved or dedicated for public uses and land to be used for other purposes including sufficient geometric data with bearing and distance for each line shall be provided to produce a closed polygon along all lot lines and any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon; and of any areas to be reserved by deed covenant for common use of all property owners</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any request for variances or waivers from these subdivision regulations</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In every instance where phasing is proposed, the preliminary plat shall reflect the phases in a logical progression so as to preclude skipping lots or leaving streets without continuity</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Names of recorded subdivisions and streets abutting the proposed subdivision, if any</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>
## 19 Boundary information of the tract shall be as follows:

- **a.** Boundary lines shall be indicated by a heavy line  
- **b.** Adjusted Arkansas State Plane Coordinates (south zone, NAD-83) shall be shown for all boundary corners and all corners of record utilized, along with a statement indicating the ratio error of closure of the field work.  
- **c.** Adjusted bearings and distances shall be shown on all boundary lines and ties to all corners of record utilized. Where boundary lines are curves, sufficient curve data shall be provided to establish or reestablish the curve. As a minimum, curve data for each curve shall consist of radius, arc distance, delta angle and chord bearing and distance, delta angle and chord bearing and distance. Where boundary lines are common with previously platted properties, record bearings and distances shall also be shown.  
- **d.** Accurate locations and adequate physical descriptions of all monuments shall be shown indicating size, type of material and construction thereof, and size and type of survey disk utilized. Where found monuments are replaced with more permanent monuments, such replacements shall be noted and a description of the type of found monument indicated.  
- **e.** Clearly labeled, point of beginning (POB) from a well defined reference point  
- **f.** Boundary information to be provided in both electronic and print media
<table>
<thead>
<tr>
<th></th>
<th>Subdivision Submission Requirements</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submittals Where</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Written statement from all utility providers that utilities have been or will be provided including: gas, electrical, telephone, and television cable facilities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Written approval of water and wastewater facilities from the Arkansas State Department of Health</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Written approval of any wastewater treatment facilities by the Arkansas Department of Environmental Quality (ADEQ)</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Cultural features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, easements, park areas, structures, city and county lines, section lines and other significant information</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Existing contours shall be shown at intervals of not more than five (5) feet for terrain with an average slope exceeding ten (10) percent or more, and at an interval of two (2) feet for terrain with slopes less that ten (10) percent. The source of the contours along with the source form which all elevations were derived shall be clearly described. An on-site benchmark shall be referenced and the elevation shown.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Natural features within and immediately surrounding the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry shall be noted in acres.</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Location of any portion of property with the flood-way or the one hundred year flood plain, based upon the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) provided for and adopted by the city or county.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Subdivision Submission Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submittals Where Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Where a portion of a subdivision is suspected to be flood prone and specific flood elevations are not included by the NIFP study, or is not covered by available U.S. Army Corps of Engineers information, an engineering analysis establishing Base Flood Elevations shall be submitted. The analysis shall be submitted as part of the plan filing. Such analysis shall be prepared by the developer’s engineer at the developer’s expense. The analysis shall determine to the best of the engineer’s ability a safe building line, and it shall be clearly and legibly drawn on the development plans and the preliminary plat.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Any area or lot which may be prone to flooding shall have the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be compared to the one in one hundred year flood elevation shown on the flood insurance study or, if not available, any other applicable study in which the one in one hundred year flood elevation is depicted. The minimum finished floor elevation shown on the plat shall be at least two feet above the water level of the 100 year flood.</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Soil tests may be required where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions and potential hazards created by deep cuts and/or fills required for street or utility construction and similar situations.</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Complete street design and construction plans complying with the City’s street specification ordinance (These specifications may be included as part of the development plan and/or as a separate specification document).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Subdivision Submission Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submittals Where Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street centerline shall be shown with the following information provided:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Bearings and distances along all line segments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Curve data for all curves indicating the following:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Radius</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Arc Length</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Delta Angle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Chord bearing and distance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complete drainage and storm water design, including drainage piping profiles, and construction plans complying with the City’s municipal utilities specification and storm water design and construction plans complying with the city’s drainage data for all water courses entering and leaving the subdivision boundaries. (These specifications may be included as part of the development plan and/or as a separate specification document.)</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complete water and wastewater design and construction plans complying with the City’s municipal utilities specification ordinance. (These specification may be included as part of the development plan and/or as a separate specification document).</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location of all proposed fire hydrants, meter, valves, backflow devices and related appurtenances.</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Static pressure and flow of all fire hydrants serving or proposing to serve the subdivision</td>
<td>√</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning classifications within the plat and abutting areas, if applicable</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal and/or county boundaries that pass through or abut the subdivision</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Certification boxes duly executed as required by this code including license number registration of all processionals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>
### Subdivision Submission Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Pre-Application</th>
<th>Development Plan</th>
<th>Preliminary Plat</th>
<th>Final Plat</th>
<th>Incidental Submittals Where Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>A copy of the bill of assurance, if any, for the subdivision generally describing covenants, restrictions and conditions applicable to a property. (A draft copy shall be submitted for review at the time of preliminary plat review and a final copy suitable for recording with the final plat.)</td>
<td></td>
<td></td>
<td>✔</td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Names of all streets as approved by the proper city or county authority responsible for street naming E-911 purposes</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Streets and alleys within and abutting the subdivision, with street names indicated</td>
<td></td>
<td></td>
<td>✔</td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Copies of all survey calculations and field notes shall be submitted for review, when requested. When errors are suspected, the planning commission may cause a surveyor to check the final plat for correctness at the applicant’s expense.</td>
<td></td>
<td></td>
<td>✔</td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Copies of approvals of completed construction by the owner of each utility having been installed in the subdivision.</td>
<td></td>
<td></td>
<td>✔</td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>“As built” drawings for streets, drainage, water, and sewerage facilities along with written approval from the appropriate agencies or departments.</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Engineer's cost estimate for completion of infrastructure improvement if bonding final plat</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Submission of performance bond if infrastructure improvement not completed prior to final plat</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>√</td>
</tr>
<tr>
<td>Provision of the required maintenance bond</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
<td>√</td>
</tr>
</tbody>
</table>

### 16-4-47. Certifications.

Preliminary and final plats shall contain the following certifications as appropriate:
CERTIFICATE OF PRELIMINARY SURVEYING ACCURACY

The undersigned, being an Arkansas Registered Professional Surveyor, hereby certifies that this plat correctly represents a boundary survey made or verified by me that all surveying requirements of the State of Arkansas and City of Hot Springs Subdivision Code have been complied with.

Signed, _________________________

____________________
Date of Execution

(Typed Name)
Arkansas Registered Professional Surveyor No. ___________

CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All requirements of the Hot Springs Subdivision Code relative to the preparation and submission of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said code. This certificate shall expire two (2) years from date of planning commission approval unless a written request for extension is received in the planning office fifteen (15) days prior to that date.

Date of Planning Commission Approval: ________________.

Signed, _________________________

____________________
Date of Execution

(Typed Name)
Planning Director
Hot Springs Planning Commission
CERTIFICATE OF OWNER FINAL PLAT

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

______________________________
Signed, ____________________________
Date of Execution (Typed Name)
Property Owner
Address

Source of Title: Book ____________, Page ________________

CERTIFICATE OF RECORDING FINAL PLAT

This document, number ___________ filed for record ________________, 20___, in Plat Book _________________, Page ___________________.

______________________________
Signed. (Typed Name)
Garland County Circuit Clerk
CERTIFICATE OF SURVEYING ACCURACY FINAL PLAT

I, the undersigned Professional Surveyor do hereby certify that this plat correctly represents a boundary survey made or verified by me, all monuments required actually exist and are correctly shown hereon and that all surveying requirements of the Hot Springs Subdivision Regulations have been complied with. This survey has been duly filed for record in the offices of the State Surveyor.

Signed,

________________________________________
Date of Execution (Typed Name)
Arkansas Registered Professional Surveyor No. ________________

CERTIFICATE OF INSPECTION FINAL PLAT

I, the undersigned Professional Engineer, do hereby certify that I have inspected or caused to be inspected the infrastructure improvements shown on this final plat and have found them to have been constructed in accordance with and meeting the standards of all applicable development codes and specifications of the City of Hot Springs, Arkansas.

Signed,

________________________________________
Date of Execution (Typed Name)
Arkansas Registered Engineer
No.: ______________

CERTIFICATE OF FINAL PLAT APPROVAL

Pursuant to the Hot Springs Subdivision Regulations, and all of the conditions of approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of said rules and regulations.

Signed, ________________

________________________________________
Date of Execution (Typed Name)
Planning Director
Hot Springs Planning Commission
CERTIFICATE OF FLOODPLAIN APPROVAL

I hereby certify that I have caused to prepare a determination of the base flood elevation for this property. The flood elevation contours, as shown hereon, shall be utilized in the planning and construction of all improvements within the city limits of the depicted area. Furthermore, I have found this document meeting all standards of all applicable floodplain codes and specifications of the City of Hot Springs, Arkansas.

(signed)

_____________________   __________________________________
Date of Execution

 Arkansa Registered Engineer
No.: ____________________

Base Flood Elevation Data

This is to certify that the base flood elevations (BFEs) for this area depicted on the map have been established under the requirements of the City of Hot Springs, Arkansas floodplain management ordinance No. 3887. Elevation certificates shall be prepared for any lot or structure within the designated area and upon completion of said certificate and before any construction begins, a copy filed with the City of Hot Springs Floodplain Administrator.

(signed)

_____________________   __________________________________
Date of Execution    Denny McPhate, CFM
 Floodplain Management Officer
 City of Hot Springs, Garland County, AR
OWNER CERTIFICATE FAMILY LAND DIVISION

Family Land Division Qualifications are known to the applicant/land owner and those qualifications are met.

This Plat represents an exempt Family Land Division.

Any further division hereof must meet the requirements for a subdivision in accordance with Hot Springs Subdivision Code.

Acceptance of a Family Land Division Plat implies neither compliance with other rules and regulations nor suitability for development.

Any private streets or driveways within the boundary of this document are privately owned and will therefore not be accepted for perpetual maintenance by the City of Hot Springs or Garland County.

_________________________   ________________________________
Date of Execution   (Typed Name)
Property Owner

Source of Title: D.R. Page ________________________________

CERTIFICATE OF SURVEYING ACCURACY

I, the undersigned Professional Surveyor do hereby certify that this plat correctly represents a boundary survey made or verified by me, all monuments required actually exist and are correctly shown hereon and that all surveying requirements of the Hot Springs Subdivision Regulations have been complied with. This survey has been duly filed for record in the offices of the State Surveyor.

_________________________   ________________________________
Date of Execution   (Typed Name)
Arkansas Registered Professional
Surveyor No.
CERTIFICATE OF EXEMPT FAMILY LAND DIVISION

Pursuant to the Hot Springs Code Subdivision Regulations, and all of the conditions of exemption having been demonstrated, this document is hereby accepted under the authority of said rules and regulations.

________________________________________  _______________________________
Date of Execution                                                                 (Typed Name)

Director of Planning and Development
City of Hot Springs, Arkansas

CERTIFICATE OF RECORDING FAMILY LAND DIVISION

This document filed for record ______________________, 20_____.

in Plat Book __________________, Page __________________.

________________________________________
(Typed Name)
Garland County Circuit Clerk

Construction activity in the State of Arkansas is regulated by the Arkansas Fire Prevention Code and other associated technical codes and specifications. This document does not presume to grant authority for any violation of said codes whether or not additional information is submitted for City of Hot Springs review or Planning Commission approval. Contact the local Fire Code Official prior to beginning any construction activity.

(Ord No. 5834, § 2, 9-6-2011)

16-4-48 -- 16-4-59. Reserved.
ARTICLE IV. STANDARDS

16-4-60. General.

This article establishes standards for the layout and development of subdivisions and large scale developments within the jurisdiction of the planning commission. Unless otherwise stated, these standards apply to subdivisions and large scale developments both within the city and within the planning area.

16-4-61. Alleys.

The following guidelines shall apply to alleys:

(a) Alleys may be required at the rear of any lots proposed to be used for commercial or industrial purposes.

(b) Alleys shall not be located in residential subdivisions, except where the developer produces written evidence satisfactory to the commission of the need of such alleys.

(c) Evidence to support the need for alleys shall be filed with the development plans and preliminary plat and made a part of the application.

16-4-62. Blocks.

The following guidelines shall apply to blocks:

(a) Blocks in residential subdivisions shall not exceed twenty-two hundred (2,200) feet in length nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major and minor arterial streets shall be not less than one thousand (1,000) feet in length.

(b) Blocks shall have sufficient width to provide for two (2) tiers of lots unless a different arrangement is required in the form of a single tier of lots of maximum depth for blocks adjacent to arterial streets, expressways, freeways, railroads, waterways or similar barriers.

(c) In blocks of nine hundred (900) feet or more in length, the dedication of a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such crosswalks shall have a minimum right-of-way width of ten (10) feet and a pavement width of four (4) feet and extend entirely across such block at approximately the midpoint of the length of the block. Internalized circulation systems in the form of pedestrian paths may be substituted in lieu of crosswalks upon the approval of the planning commission.
16-4-62 HOT SPRINGS CODE
16-4-65
SUBDIVISIONS

16-4-63. Sidewalks.

Sidewalks shall be provided in accordance with the Hot Springs Street Specifications Ordinance and the Americans with Disabilities Act (ADA) standards in addition to the requirements of this code.

16-4-64. Storm drainage.

In order to insure adequate drainage, the following guidelines shall be observed:

(a) Every subdivision shall make adequate provisions to accommodate or dispose of stormwater by means of drains, sewers, catch basins, culverts and other facilities deemed necessary by the city.

(b) Drainage facilities within the City of Hot Springs shall meet the minimum requirements of the Hot Springs Drainage Specifications Ordinance and the Hot Springs Stormwater Ordinance in addition to the requirements of this code.

(c) Where a subdivision is traversed by a watercourse, channel or stream, a stormwater easement or drainage right-of-way shall be provided. Such easements or rights-of-way shall conform substantially to the lines of the watercourse and shall be of sufficient width and construction to provide adequate stormwater drainage and access for maintenance thereof.

(d) Stormwater may not be diverted from one (1) watershed to another within the plat boundaries.

16-4-65. Acquisition of public land.

In order to insure adequate green space and public lands, the following guidelines shall apply to acquisition of land for public purposes.

(a) Any developer of land who proposes to make or has made a subdivision of land shall conform to any duly adopted city or county master plans by indicating on any plats or drawings submitted to the commission for its consideration any and all proposed public facilities which are located within the property, and shall plat the public lands to the dimensions and in the location determined by the commission. Such public land shall be reserved for acquisition by the city or county. Such acquisition must be made within twelve (12) months from the date the developer’s preliminary plat is approved by the planning commission. Acquisition shall be deemed as having been made when either an option to purchase is executed or litigation to condemn is filed by the city or county. No developer shall be denied the privilege of having a preliminary plat approved solely by reason of the issue of reserved public land unless the city or county determines and advises the developer, within sixty (60) days from the date, his preliminary plat is approved by the planning commission, that public funds for the acquisition of such public lands will be available within twelve (12) months from the date the preliminary plat is approved.
(b) Whenever the planning commission is presented with a request for consideration of a preliminary plat involving the expansion of any mapped existing public facility, or a proposed public facility, the commission shall require, in conjunction with the approval of the preliminary plat, reservation of the public land.

(c) No building, plumbing or other construction permit shall be issued for any structure on any lot or parcel on which any proposed public lands are indicated unless it has first been determined that the proposed structure would not lie within the proposed bounds of the public lands. Nothing herein contained, however, shall be construed to deny a permit for the use of such lot or parcel for purposes not involving the construction or relocation of buildings.

(d) All applicable master plans shall be duly considered prior to action on any matter related thereto which comes before the planning commission, the board of directors, or any of the departments, agencies, boards or commissions of the city.

(e) This section shall not apply to the provision by the developer of utility easements or right-of-way dedications for public roads, streets and alleys as otherwise required by these regulations.

16-4-66. Streets - Generally.

In order to insure the safe travel of the public, the following guidelines shall apply to creation of streets:

(a) Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography. In steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes of grade along any street shall be avoided. Sharp horizontal curvature should be avoided, if possible, at or near the high point of a crest, vertical curve or near the low point of a pronounced sag or vertical curve.

(b) The proposed street layout shall be properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.

(c) Major traffic generators such as industries, business districts, schools, shopping centers, and residential developments with a density in excess of eighteen (18) units per gross acre shall obtain primary access from streets classified as collectors and above.
(d) Local residential streets shall be laid out to permit efficient drainage and utility systems and to require the minimum length of pavement necessary to provide convenient and safe access to property.

(e) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided, unless the planning commission has specifically determined that such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(f) Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified in these regulations. All public streets within the subdivision shall be located, platted and dedicated to the city or county in accordance with any duly adopted master street plans and the Hot Springs Street Specifications Ordinance.

(g) New boundary streets shall be avoided except where a requirement of the master street plan provides a defined alignment. In that event, the developer shall provide one-half of the master street plan’s specified improvements and right-of-way. Whenever a proposed subdivision abuts a partially dedicated or constructed public street, the developer shall provide the minimum of one-half of the required improvements and right-of-way. The planning commission may authorize a new boundary street when the developer proposes to dedicate the entire right-of-way and construct all the required improvements. In no case shall a developer retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.

(h) For purposes of determining the extent of the required improvements on boundary streets, the right-of-way centerline shall be deemed to be the plat boundary. Where a clearly defined right-of-way does not exist, the city engineer shall establish the centerline location.

(i) Streets within a subdivision or large scale development shall be designed and constructed in strict accordance with the Hot Springs Street Specifications Ordinance in addition to the requirements of this code.

(j) The subdivision or large scale development street system shall connect to a public street(s) accepted by the city or county of sufficient capacity to accommodate the subdivision or development.

16-4-67. Dead-end streets and cul-de-sacs.

Creation of dead-end streets and cul-de-sacs shall adhere to the following guidelines:
16-4-67 HOT SPRINGS CODE

SUBDIVISIONS

(a) Cul-de-sacs shall have a maximum length of 800 feet and as governed by the Fire Prevention Code. Where a street does not extend to the boundary of a subdivision, and its continuation is not necessary for access to adjoining property, its terminus shall not be closer than fifty (50) feet to such boundary.

(b) Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds shall have a minimum right-of-way diameter and a pavement diameter as governed by the Fire Prevention Code.

(c) In the case of temporary dead-end streets, which are stub streets designed to provide future connections with unsubdivided adjacent areas or future phases, the planning commission may require a temporary easement for a turnaround.

(d) In the case of temporary dead-end streets which are stub streets designed to provide future connection with unsubdivided adjacent areas or future phases, the developer shall provide information in the bill of assurance confirming such anticipated future extensions. It is the purpose of this requirement to convey to street users information as to continuation of the street and its intended classification.

16-4-68. Intersections and alignment.

The application of this code for intersections and street alignment should conform to the following guidelines.

(a) Street intersections shall be laid out as nearly at right angles as possible and may be curved to bring this about. The centerline of no more than two (2) streets shall intersect at any one point. No intersection shall be at an angle of less than eighty-five (85) degrees.

(b) Intersections shall be designed with grades as level as possible consistent with proper provision for drainage.

(c) Additional street paving and right-of-way in the form of turning lanes shall normally be required along arterial streets at intersections with other arterial or collectors streets.

(d) Property line corners at street intersections shall be rounded with a radius of at least twenty-five (25) feet.

(e) Where visibility at any proposed street intersection would be impeded by earthen berms or existing vegetation, the developer shall cut such ground and vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate site distance as specified in the Hot Springs Street Specifications Ordinance or other city or county regulations governing intersection visibility.
(f) Street intersections shall be located to avoid creating hazardous driving conditions.

16-4-69. New private streets.

Creation of new private streets shall comply with the requirements of this section.

(a) Private streets shall be discouraged. However, private streets may be approved by the planning commission to serve isolated developments. The design standards for approved private streets shall conform to the Hot Springs Street Specifications Ordinance for public streets.

(b) Private streets are permissible only in the form of cul-de-sacs and loop streets and only when it has been determined that these streets can be adequately accessed by all public service vehicles. Such streets will not be permitted where there is a possibility of through traffic or eventual connection to another public street. It shall be incumbent upon the developer to demonstrate that the private streets will not unreasonably limit access to adjacent parcels, hinder logical traffic pattern or otherwise be contrary to the public interest.

(c) The developer shall provide for permanent maintenance of all private streets in the bill of assurance. The bill of assurance shall clearly state that such private streets are not under the care and control of the city or county and will, therefore, not be maintained by the city or county.

(d) A private driveway or street section servicing three (3) or more lots or parcels shall be considered a street and subject to the construction requirements for a public street. Private drives may only serve no more than two lots or parcels.

(e) The developer shall provide for permanent maintenance of water and sewer mains and related facilities within the development in the bill of assurance. Provided, however, that the developer may enter into contracts with the City of Hot Springs (Hot Springs Municipal Utilities) for the maintenance of all water and sewer mains and hydrants lying within the private street right-of-way if approved by the city.

(f) Streets within a gated development or to which public access is restricted shall be private streets and may not be accepted for maintenance by the city or county.

(g) Private streets shall be so noted on the final plat and the bill of assurances shall include a notation in substantially the following form: “The streets in this development are private streets and will therefore not be accepted for perpetual maintenance by the city or county”.

Supplement No. 33

Title 16 ● Page 151
16-4-70. Existing public or private streets.

The planning commission shall review and determine acceptance of the dedication of existing private streets when part of new street plans as provided in this section.

(a) Principal access right-of-way only is allowed. Alley dedications shall be discouraged.

(c) Streets and alleys which had been previously dedicated to the county will become city streets upon annexation and acceptable by the city and will thereafter be maintained by the city as a city street and/or alley.

(d) Existing streets and alleys which had been previously fully or periodically maintained by the county for which there is no recorded dedication (prescriptive streets and alleys) shall be considered for acceptance and maintenance by the city upon annexation in accordance with the city’s street acceptance policy. The planning commission may require that such streets or alleys be constructed or re-constructed in accordance with the Hot Springs Street Specifications Ordinance as part of the subdivision development plan whether or not annexation is an issue.

(e) Streets or alleys which were private in every respect shall remain private after annexation. Owners of properties abutting such streets or alleys may request dedication by following the procedures outlined for submission of preliminary plats. Dedication of right-of-way for alleys shall provide a tie to the public street system at both ends or meet the requirements for a cul-de-sac or dead-end street.

(f) A review committee consisting of the planning director and the city engineer shall evaluate each incidence whereby dedication is an issue. A recommendation in written form shall be made on each qualifying request and presented to the commission at a public hearing. The committee shall act in the capacity of technical advisor only to the planning commission. Appeals from decisions or actions of the planning commission may be filed with the board of directors.

(g) The planning commission shall determine that a need exists for a public street.

(h) Citizens desiring to dedicate private streets shall assume all costs to include platting, engineering, and construction in accordance with city or county street acceptance procedures.

(i) No street shall be offered or reviewed for dedication where no structure abuts the right-of-way or where such action would circumvent the subdivision code review for new streets or subdivisions.

(j) In those instances where a private road was created by land sales constituting a violation of these regulations or any previous subdivision ordinance, the property from which the road was derived shall be included in preliminary plat submissions.
(k) The review criteria shall be as follows:

(1) The street proposed will be located within a dedicated right-of-way of not less than that required by the Hot Springs Street Specifications Ordinance.

(2) The pavement surface and thickness must meet the requirements of the Hot Springs Street Specifications Ordinance.

(3) The city engineer may require proof of pavement base course and subgrade conditions during the technical review of the street, only after submission of a plat.

(4) Horizontal and vertical curves and other geometric conditions of the street must be judged safe for existing and future traffic conditions.

(5) Dead-end streets shall provide an adequate turnaround for sanitation and emergency vehicles both in dimension and improvements.

(6) The street shall have sufficient crown to permit normal drainage from the pavement surface without flooding the centerline.

(7) Street side drainage ditches shall be permitted except in those cases where the planning commission determines that curb and gutter and underground drainage is the only feasible method to handle the drainage.

(8) All drainage structures within the right-of-way shall be of sufficient size and type construction to meet the requirements of the Hot Springs Drainage Specifications Ordinance or be judged adequate by the city engineer.

(9) Street grades and intersection approach grades shall meet the street specifications or be judged satisfactory for existing and future traffic conditions.

(10) Utility alignment and depth shall meet all city policies or be judged satisfactory by the city or utility engineer. The applicant shall show all existing or proposed utilities on the dedication application.

(11) The planning commission may designate drainage, utility or public use easements as required to maintain the street.

16-4-71. Residential lots.

Minimum dimensions for lots shall be as follows:
Every lot shall abut upon a public street, except where private streets are explicitly approved by the planning commission.

The minimum lot dimensions for residential subdivisions shall conform to the requirements of the applicable zoning district regulations in which the proposed subdivision is located. Subdivisions located in a portion of the planning area not subject to zoning regulations shall conform to the following minimum lot dimensions:

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Width (Feet)</th>
<th>Depth (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached residential</td>
<td>60</td>
<td>100</td>
</tr>
<tr>
<td>Duplex</td>
<td>70</td>
<td>100</td>
</tr>
<tr>
<td>Apartment building (4 units or less)</td>
<td>80</td>
<td>100</td>
</tr>
<tr>
<td>Apartment building (5 units or more)</td>
<td>80 plus 20 per unit greater than 4 to a maximum of 200 feet.</td>
<td>100</td>
</tr>
<tr>
<td>Zero lot line residential lots</td>
<td>60</td>
<td>100</td>
</tr>
<tr>
<td>Townhouse developments</td>
<td>60</td>
<td>80</td>
</tr>
</tbody>
</table>

Reserved.

In residential subdivisions where lots abut a freeway, expressway or occupied mainline railroad right-of-way, such lots shall have an overall depth of not less than one hundred seventy-five (175) feet in order to ensure proper separation of residences from adjacent thoroughfare or railroad line.

No residential lot shall be more than three (3) times as deep as it is wide, except lots approved under this section.

No lot except lots designated for townhouse use shall average less than one hundred (100) feet in depth.

Lot width shall be measured at the front building line except in the case of lots abutting cul-de-sacs where the average width of the lot shall be used.

Lots served by a public water system and proposed to be served by a septic tank system must submit, at the time of preliminary plat application filing, a written certification of approval by the state department of health. The lot sizes allowed by this certification shall be indicated on the plat.

Double frontage lots are prohibited except where lots abut on an existing or proposed arterial street, freeway, expressway or railroad right-of-way, and lots in residential developments in hillside areas. A hillside area shall be considered when the lot slope exceeds eighteen percent (18%).
(k) Side lot lines shall be as nearly as possible to right angles to the street right-of-way line or radial to curving street lines.

(l) Corner lots for residential use shall have a minimum width to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.

(m) Submission of a plat for a proposed subdivision creating lots for townhouse residences shall be accompanied by a generalized site plan showing the proposed location and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall conform to building location shown in the generalized site plan.

(n) Zero-lot line residential developments shall only be approved after careful consideration by the planning commission to ensure that the principles of this code and the integrity of adjoining neighborhoods are preserved. In any such development, the applicable side yard requirement on one side of a lot may be eliminated and the opposite side adjusted as follows:

(1) When the adjoining housing units are attached, the set-back on the side opposite the zero lot line must be maintained and the adjoining lots arranged such that the setback areas (opposite sides) and the zero lot lines match; or

(2) When the housing units are not attached, the setback on the side opposite the zero side must be doubled.

Final plats involving this concept shall reflect a buildable area on each lot so as to provide for and identify the placement of the units and assure that no lot will be adversely affected by placement of adjoining units. All perimeter lots shall meet the minimum set-backs for residential lots as required by this section along the outer perimeter of the subdivision. Zero lot-line developments shall only be permitted for residential developments. Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall be shown on all sides of each lot for purposes of delineating the maximum buildable area of each lot and specifying the zero-lot-line yard.

(o) Building set back lines for residential subdivisions shall conform to the applicable zoning district set-back regulations in which the proposed subdivision is located.

(p) Building lines for residential lots located in a portion of the planning area not subject to zoning regulations shall be at least twenty-five (25) feet from the front property line, and twelve (12) feet from each side and rear property line except in the following circumstances:

(1) Residential lots fronting on collector streets shall have a platted front building line not less than thirty (30) feet from the right-of-way line.
(2) Residential lots fronting on arterial streets shall have a platted building line not less than thirty-five (35) feet from the right-of-way line.

(3) Lots fronting on cul-de-sacs or curved portions of other streets may provide a front building line that is straight relative to the front property line. This line is to be established by placement of dimensioned points on the side property lines at least thirty-two (32) feet from the street right-of-way line and connecting these points with a dimensioned straight line on the plat. This line shall not be less than twenty-five (25) feet from the street right-of-way line at any point.

(4) Reserved.

(q) Along arterial streets in proposed subdivisions where it is desirable to limit curb cut access, building lines shall be established on both frontages of double frontage lots. Parallel and along the line of lots abutting such traffic artery, a restricted access easement of at least ten (10) feet, across which there shall be no right-of-vehicle access permitted, shall be provided. The planning commission may require the construction of fences or lines of shrubbery to assure this no access provision.

(r) The lot dimensions and other requirements of this article are minimums and in no way amend or supersede applicable zoning regulations.

16-4-72. Commercial/Office subdivisions.

The following standards shall apply in the development of commercial/office subdivisions.

(a) The planning commission shall require the developer to file a proposed subdivision phasing plan providing for continuity of development for any individual phases of reasonable proportions. Single-lot final plats and plats which create discontinuity within the development may be prohibited by the planning commission.

(b) For commercial and office plats, all improvements on streets abutting the plat phase shall be constructed with or assured for that phase. Improvements may be deferred, waived or assigned to another phase after review and approval by the planning commission.

(c) Boundary streets abutting a proposed commercial or office subdivision shall be developed in accordance with the Hot Springs Street Specifications Ordinance.

(d) Where an internalized system of public streets or private service easements is proposed for commercial or office subdivisions, all design criteria and construction shall be in accordance with the City of Hot Springs Streets Specifications Ordinance.
(e) Vertical and horizontal alignment for streets in proposed commercial or office subdivisions shall conform to the standards for collector streets, as provided in the Hot Springs Street Specifications Ordinance.

(f) The depth and width for lots within plats of commercial or office subdivisions shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located.

(g) Subdivisions located in a portion of the planning area not subject to zoning regulations shall be at least one hundred (100) feet of frontage by one hundred fifty (150) feet of depth.

(h) In all instances, no commercial or office lot shall have a depth exceeding three (3) times the width.

(i) Pipestem lots are prohibited in office or commercial subdivisions unless specifically approved as a waiver by the planning commission as the only option for utilizing an isolated parcel.

(j) In the interest of efficient traffic circulation, and to ensure a suitable relationship between the street system and the proposed commercial use, blocks in commercial or office subdivisions shall generally be not less than six hundred (600) feet nor more than one thousand (1,000) feet in length.

(k) Building lines for lots within subdivision plats of commercial or office subdivisions shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located.

(l) Front building lines for commercial lots located in a portion of the planning area not subject to zoning regulations shall be at least forty-five (45) feet from the street (front) right-of-way and twelve (12) feet from the side and rear property lines.

(m) In all instances where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty-five-foot commercial building line shall be permitted on all lots fronting on streets and shall be contingent upon submission of both a site plan dimensioning the landscaping and a bill of assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than one (1) driveway providing access to the sides and rear of the lot.

(n) All commercial subdivisions shall provide for design and construction of drives, curb cuts and internal circulation as provided for in the city’s adopted street specifications.

(o) Public commercial streets shall be provided according to the provisions of these regulations.
Where a commercial or office subdivision requires the creation of an internalized circulation system to provide access to multiple lots and building sites, the planning commission may authorize the use of service easements in lieu of public commercial streets. Location of private service easements shall be indicated on the plat and be built to the Hot Springs Street Specifications Ordinance.

**16-4-73. Industrial subdivisions.**

The following standards shall be observed:

(a) In order to preclude the possibility of through traffic, industrial streets, as defined in these regulations, may not be extended to the boundaries of adjacent existing or potential residential areas.

(b) Where an internalized system of public streets or private service easements is proposed for Industrial subdivisions, all design criteria and construction shall be in accordance with the City of Hot Springs Streets Specifications Ordinance.

(c) The maximum allowable grade shall be eight (8) percent on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.

(d) The property line radius at street or alley intersections shall be a minimum of fifty (50) feet. If the angle of street or alley intersections is less than ninety (90) degrees, the planning commission may require a greater radius.

(e) Street or alley intersections shall have an edge of pavement radius of at least thirty (30) feet. Where the angle of street or alley intersection is less than ninety (90) degrees, the planning commission may require both a greater radius and intersection design sufficient to accommodate turning movements of WB-50 vehicles.

(f) All industrial developments shall conform to the provisions of the Hot Springs Street Specifications Ordinance for purposes of design of driveways, curb cuts and internal circulation.

(g) In general, proposed industrial sites shall be suitable in area and dimension for the type of industrial development anticipated. The depth and width for lots shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located. The depth and width for lots within developments in portions of the planning area not subject to zoning regulations shall comply with the following:

1. Minimum lot depth shall be two hundred (200) feet.
2. Minimum lot width shall be two hundred (200) feet.
(h) No lot shall have a depth greater than three (3) times its width.

(i) Industrial subdivisions shall conform to the building set-back lines for the zoning district in which the subdivision is located.

(j) Building lines for plats located in an area of the planning area not subject to zoning regulations shall conform to the following:

Building lines and setback lines shall be a minimum of forty (40) feet from all industrial street right-of-way lines and a minimum of sixty (60) feet from all arterial street and highway right-of-way lines. A minimum of twenty-five (25) feet of setback shall be provided on all other property lines.

16-4-74. Hillside subdivisions.

This section shall apply to the design of hillside subdivisions and defined as those portions of a subdivision plat that have an average slope of eighteen (18) percent or greater. It is designed to ensure proper integration of physical improvements in rugged topographical areas and is supplemental to other provisions in these regulations. Such areas of steep slope are recognized as requiring special subdivision development standards for vehicular access easements, lot dimensions, front and side yard setbacks, and cuts and fills.

(a) The average slope shall be calculated by the developer and indicated on the plat at the time of submission. The hillside areas shall be divided into areas of generally similar slopes and an average for each of these similar areas shall be determined. These areas shall then be totaled and divided by the number of areas to obtain the average slope for the entire tract. A single average slope figure shall apply to that portion of the plat with slopes exceeding eighteen (18) percent.

(b) The total square footage of the area is determined by measuring the area and deleting eighteen (18) percent to cover all needed streets and then subtracting all park and open space from the subtotal.

(c) The total number of lots shall be determined by first calculating the total square footage of the area and then dividing the minimum lot size into it to arrive at the total number of lots allowed.

(d) The minimum lot size shall be as required by the applicable zoning district regulations in which the subdivision is located. For those subdivisions located in an area of the planning area not subject to zoning regulations, the minimum lot size shall be as specified in these regulations for the applicable subdivision type. Provided, however, that no lot within any hillside area shall be less than ten thousand (10,000) square feet in area. Following planning department review and approval of the slope analysis, the developer shall prepare a preliminary plat conforming to the lot size established and submit it for approval in the conventional manner.
(e) Retaining walls may be required wherever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. The retaining walls shall be constructed on private property to protect the streets from possible erosion and slides. Such improvements shall require the approval of the city engineer in accordance with the City of Hot Springs Excavating and Grading Code and any additional regulations.

(f) The minimum front yard setbacks shall conform to the zoning code except for areas with slopes in excess of eighteen (18) percent, where they may be reduced to fifteen (15) feet.

(g) Major cuts, excavation, grading and filling, where the same materially change the site and its relationship with surrounding areas or materially affect cut areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one-half (2 ½) feet of horizontal distance between abutting lots (sides and/or rear) or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing or retaining walls. Deviation from these standards may be authorized by the city engineer upon submission of an engineering analysis of the soil conditions and the conditions of the compacted fill showing that the area is suitable for building.

(h) Alleys providing primary access to lots fronting on a public street may be granted by the planning commission. Where approved, such alleys shall serve not more than five (5) lots nor be more than three hundred (300) feet in length. Pavement shall be constructed of concrete not less than twenty (20) feet in width. Underground drainage shall be waived by the city engineer when it can be demonstrated that open drainage will accommodate all runoff. Grades shall not exceed those specified for residential streets.

(i) The city engineer may require geotechnical engineering analysis for streets and the building official may require geotechnical engineering analysis of building sites where the suitability for building in the area is questionable.

(j) For residential streets less than 500 feet in length, "T"-type turnarounds may be allowed in conjunction with uphill and downhill slopes to minimize disturbance of the site while providing adequate vehicular access to individual lots.

(k) At least eighty (80) percent of the lots of the sloped portions of the affected subdivision shall conform to the minimum required lot size. The average size of all lots of the hillside area shall conform to the minimum lot requirement.

(l) Hillside areas with an average slope in excess of forty (40) percent are considered extremely rugged and development shall be limited to lots not less than two (2) acres in size.
16-4-75. Minimum survey standards.

This section establishes the minimum standards for surveying work performed for the developments within the jurisdiction of the planning commission. The minimum standards for site surveying are as follows:

(a) All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the city shall conform to the "Arkansas Minimum Standards for Property Boundary Surveys and Plats," except where the standard contained within these regulations exceeds those established by the state.

(b) The horizontal datum for all survey work performed shall be the Arkansas State Plane Coordinate System - south zone - NAD-83 adjustment.

(c) Horizontal positions for all subdivision boundary corners shall be determined to an accuracy standard equal to Urban Type A classification as defined by the Arkansas Minimum Standards for Property Boundary Surveys and Plats. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true Urban Type A accuracy level is achieved.

(d) A minimum of two (2) subdivision boundary corners shall be tied at a geodetic control monument by closed traverse. The two (2) corners shall be inter-visible with each other. Position and reference information shall be provided on a standard control data form for each corner and submitted with the final plat.

(e) All interior corners of the subdivision (lot corners, street center line control points, etc.) shall be established and monumented to meet the minimum accuracy standards established by the Arkansas Minimum Standards for Property Boundary Surveys and Plats for Urban Type A Property.

(f) The vertical datum for all survey work performed shall be the National Geodetic Vertical Datum 1929 Adjustment (NGVD29) or NGVD88.

(g) Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the federal geodetic control committee. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true third order accuracy level is achieved.

(h) Two (2) control monuments shall be set per phase of the subdivision as shown on the approved preliminary plat. These monuments may be cast in place or prefabricated and shall be of similar construction described as follows:

   (1) Six-inch diameter steel reinforced concrete post set flush with ground.

   (2) Monument shall be a minimum of twenty-four (24) inches in depth.

   (3) Steel reinforcement shall consist of a minimum of two (2) eighteen inch long one-half-inch (1/2") diameter steel bars.
(4) A brass or aluminum survey cap, a minimum of two (2) inches in diameter, shall be cast or grouted into the top of the concrete post. The following information shall be stamped into the survey cap.

a. A stamped "X" or "." to mark the precise location of the point being monumented.

b. Registration number of the surveyor in charge.

c. Monument number as may be assigned by the city engineer.

(i) All lot corners and boundary corners other than those described in paragraph (a) above shall be monumented according to the specifications outlined with the "Arkansas Minimum Standards for Property Boundary Surveys and Plats" and any amendment made thereof.

(j) All lot corners and other interior points including ending points of curves shall be of a similar construction described as a one-half (1/2) inch or larger diameter steel rebar, a minimum of eighteen (18) inches in length. The monuments shall be flush with the finished grade. Concrete nails may be set in lieu of steel rebar where the corner falls in existing asphalt or concrete surfaces. Where such corner is used, at least two (2) reference ties shall be set and recorded on the final plat.

16-4-76. Required improvements.

The following improvements are required when designing and building new subdivisions, large scale developments, re-plats or additions to existing subdivisions or large scale developments:

(a) In all subdivisions and large scale developments, the developer shall install, at his own expense, or have installed by the appropriate public utility, certain specified improvements as specified in this section. No streets, drainage or utility construction work, exclusive of clearing, shall begin until construction plans have been reviewed and approved by the owner of the utility to which such utility work is connected.

(b) All streets and drainage shall be constructed in accordance with the Hot Springs street, drainage and stormwater specifications ordinances, and/or other such standards and specifications as may now or hereafter be adopted by the board of directors.

(c) All subdivisions shall be provided with water supply and distribution systems approved by the city and meeting the requirements of the state health department. Where a public water supply is within 300 feet of the subdivision, the developer shall install, or have installed, a system of water mains and connection to such supply. A connection to each lot shall be installed prior to the paving of the street.
(d) All subdivisions shall be provided with a sewage collection and treatment system approved by the city wastewater utility, the state department of health and the Arkansas Department of Environmental Quality (ADEQ). Where a public sanitary sewer is within 300 feet of any point of a subdivision, the developer shall connect with such sewer and provide a connection to each lot. The connection to each lot shall be installed prior to the paving of the street. Such sanitary sewage system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the state department of health, and the owner of the system to which the system is connected, shall be used to design the system.

(e) For residential lots or development tracts not served by a public or community sanitary sewerage system whose disposal is approved by the state department of pollution control and ecology, the developer shall submit documentation with submission of the preliminary plat that the state department of health, or its delegated authority, will approve septic tank installations, or other individual wastewater disposal methods for service to the subdivision proposed to be platted.

(f) The developer shall either install the approved wastewater facilities improvements referred to in this section, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the bill of assurance of the subdivision that those facilities shall be installed by the builders of the improvements of the lots.

(g) Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it. The improvements shall be designed and installed in accordance with the provisions of the city's drainage specifications.

(h) Construction plans shall show the location of all sidewalks in subdivisions when required by the City of Hot Springs Street Specification Code. Installation shall be in accordance with these plans, but construction may be deferred and assigned to the builder in the bill of assurance. No building, plumbing or construction permit shall be issued for any lot where the required sidewalk is shown unless the site development plan indicates the required sidewalk, and no certificate of occupancy shall be issued or municipal utilities released for any property until the sidewalk is constructed or security for such construction is established as provided for in these regulations.

(i) All street lighting inside the corporate limits of Hot Springs shall utilize poles and fixtures approved by the city engineer. Overhead and underground street lighting plans shall be prepared by the electric utility company with the cooperation of the developer. All street lighting plans shall be approved by the city engineer before any installation begins. Where underground service is proposed, the developer shall provide electrical service to all points proposed for future fixtures.
(j) Street lighting in subdivisions outside the city's corporate boundaries shall comply with the following:

(1) The developer must provide facilities, as approved by the city or electric utility engineer, that will enable standard lighting design to be installed at some future date at no additional cost to the city or county.

(2) In areas designed for underground service, plans must be approved by the electric utility company and the city before installation.

(3) If the underground service is to be provided, it will be necessary for the developer to provide electrical service to the points proposed for the future fixtures.

(k) Other utilities to be installed in a subdivision including water, sewer, electricity, gas and telephone, shall be located within the public right-of-way or easement. If stubs to the property lines are not installed, then future connections between lots and utility lines shall be made without breaking into the wearing surface of the street.

(l) All permanent boundary, lot and street centerline control monuments shall be set in accordance with these regulations and shall be indicated on all plats. Removal of any monument by anyone not under the direct supervision of a registered land surveyor registered under the laws of the state is prohibited.

(m) Fire hydrants shall be spaced as required by the Hot Springs Fire Prevention Code within all single-family residential subdivisions. This spacing is to be determined by the municipal utilities department in coordination with the authorized fire official. In other subdivisions, hydrant placement shall be based on the density and value of the property as determined by the fire chief. When streets and alleys are closed by a petitioner, the petitioner shall, at his own expense, install necessary fire hydrants to maintain the required fire hydrant coverage.

(n) Permanent street name signs on public streets, within the city limits, shall be placed and maintained at intersections by the city at the city's expense. Street name signs outside the city limits but within the planning area shall be placed as directed by the county judge. Street name signs on private streets shall be placed and maintained at intersections by the developer at the developer's expense. All street name signs shall meet standards and specifications of the city or county for such signs.

16-4-77. Manufactured home parks outside the City of Hot Springs.

Manufactured home parks outside the corporate limits of Hot Springs, but within the planning area, are subdivisions that are evaluated by the planning commission through the Article II Multiple Building Site Plan procedures and the following standards. Manufactured home parks proposed within the city of Hot Springs shall conform to those requirements located in all of Chapter 3 “Manufactured and Mobile Homes” of the Zoning Ordinance.
(a) Manufactured home parks shall be served by municipal water services where available and fire protection as required by the Arkansas Fire Prevention Code.

(b) Sanitary sewer service shall be City of Hot Springs municipal service where available and septic treatment systems shall comply with State health standards where municipal service is not available.

(c) Each individual space shall be provided with water and sanitary sewer taps.

(d) Refuse collection facilities and provisions shall be approved by Garland County.

(e) All manufactured home spaces shall abut upon a private street, constructed to City of Hot Springs dimension and construction standards for a local street and compliant with the provisions of the Arkansas Fire Prevention Code for fire apparatus access roads. Roll over curbs are encouraged.

(f) No individual manufactured home space may be directly accessed from any public road, street or highway.

(g) Minimum dimensions for manufactured home park individual spaces shall be 40 feet wide and 120 feet deep.

(h) Minimum setbacks for each manufactured home space shall be as follows: front 25 feet; side 10 feet; and rear 10 feet.

(i) At least two (2) paved parking surfaces, a minimum of 9’ wide and 18’ deep each, shall be provided in the front portion of each manufactured home space. The parking spaces may be placed within the front yard 25-foot setback area.

(j) Drainage shall be designed, constructed and maintained in accordance with the provisions of the Hot Springs Drainage Ordinance.

(k) All manufactured homes shall be tied down and anchored in accordance with the manufacturer’s requirements.

(l) Existing manufactured home parks proposed for expansion shall comply with these standards in the area of expansion.

16-4-78. Manufactured home subdivisions outside the City of Hot Springs.

In addition to the other applicable sections of this ordinance, manufactured home subdivisions in the planning area not subject to zoning regulations shall comply with the residential subdivision regulations in this ordinance and residential lot regulations specifically located in 16-4-71 of this ordinance.
16-4-79. Assurances for completion; installation; etc.

(a) Upon final approval of construction plans of the required improvements, the developer may enter into an agreement with the city to install or ensure the completion of the infrastructure improvements as outlined in these regulations. The city may accept the subdivision or development and issue the certificate of final plat approval subject to the assurance of installation of improvements provided that all of the following items are accomplished:

1. An estimate to complete the development, prepared by an Arkansas Registered Professional Engineer retained and compensated by the developer, has been submitted in writing to the planning department.

2. The city engineer has reviewed and approved the estimate.

3. The developer has submitted to the planning department a performance and payment bond and a maintenance bond. The performance and payment bond shall be in the amount of the approved engineer’s estimate. The maintenance bond shall be 50 percent of the approved engineer’s estimate.

4. The developer submits to the city, a maintenance bond in the amount of 50 percent of the estimated development cost which shall guarantee the construction work for a period of one year after final acceptance by the city.

(b) One of the following methods shall be utilized by the developer to assure that improvements required by these regulations have been, can, or will be installed within the specified time and in accordance with the approved plans and specifications.

1. **Performance and payment bond.** The developer may submit to the city a performance and payment bond in the amount of 100% of the approved estimated cost to complete the improvements and pay all costs of materials, equipment, labor and services used or utilized in the construction of the facilities.

2. **Cashier's check.** The developer may provide a cashier's check in the amount of 100% of the estimated cost of the facilities as agreed to by the city engineer sufficient to complete the improvements and installations required to comply with these rules and regulations.

3. **Certificate of deposit, treasury bond or other negotiable government security.** The developer may provide a certificate of deposit, treasury bond or other negotiable government security for the full amount estimated to complete the improvements. The instruments allowed to be provided by this section shall be drawn on a financial institution insured by the Federal Deposit Insurance Corporation and licensed to do business in Arkansas. The instrument will be returned to the developer once improvements are completed and accepted by the city. All improvements shall be done in a timely manner as determined by the city engineer.
(4) **Irrevocable letter of credit.** The developer may provide an irrevocable letter of credit to the city pursuant to the following conditions:

a. The letter of credit will be for an amount equal to the total estimated cost of the improvements as agreed upon by the developer and the city engineer.

b. The letter of credit will be irrevocable in accordance with Arkansas Code Annotated section 4-5-101 et seq. (1987), as amended, and will list the City of Hot Springs, Arkansas, as the beneficiary of the irrevocable letter of credit.

c. The letter of credit will be in a form approved by the city attorney.

d. In the event the developer is in default, the city shall be entitled to payment under the terms of the credit; further, the city shall be entitled to use all of the monies secured by the letter of credit to assure the costs of completion of the work in the subdivision as determined by the city engineer.

e. The developer will not be entitled to any excess monies until the work in the subdivision has been completed.

(c) In those instances where sufficient cause is established by the developer which may justify an extension of time, the developer may formally apply for an extension which shall only be granted by the planning commission. An application for an extension of time must be made by the developer prior to default.

---

16-4-80. Inspection of improvements.

The following guidelines shall apply to inspections of all improvements subject to these regulations:

(a) All subdivision improvement projects shall be constructed according to the approved plans and specifications of a registered professional engineer. Additional inspections shall be made in accordance with other applicable ordinances and regulations.

(b) The city engineer shall then inspect or cause to be inspected, those facility improvements and installations for conformance with the approved plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements or differ from the approved engineering plans and specifications, the city engineer shall notify the developer in writing of such defects, deficiencies or deviations. The developer shall, at his expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the developer shall notify the city engineer in writing that the improvements are again ready for final inspection.
16-4-81. Maintenance bond.

Developer shall furnish a maintenance bond to the city covering any defects in materials and workmanship for the required improvements installed by the developer in the amount of 50 percent of the total cost of those improvements. The bond shall be in full force and effect for not less than one (1) year from the date of the letter from the city engineer certifying that all improvements have been completed and approved and, further, stating that any and all defects in materials and workmanship shall be corrected by the developer. Work performed under the terms of the maintenance bond shall be approved by the city engineer.

16-4-82. Acceptance of public facilities dedications and recordation.

Following are the steps for approval, dedications and recordation of public facilities:

(a) All public dedications of streets and public facility sites must be accepted by the board of directors or county judge, as appropriate, following execution of satisfactory guarantees for completion of the proposed improvements. This acceptance shall be accomplished in conjunction with final plat approval.

(b) Approval of final plats by the planning director and filing of the plat of record with the Garland County Circuit Clerk shall not constitute formal acceptance by the city or county of all approved public improvements not completed as of the date of approval of the final plat. Such facilities shall be accepted as public facilities when the city engineer or county judge certifies that the construction has been approved, maintenance bonds furnished, the plat filed of record, and the city board or county judge formally accepts the rights-of-way and improvements.

(c) The final plat can be recorded only after the plat has received a certificate of final approval from the planning director. The planning department shall thereafter file the final plat with the Garland County Circuit Clerk. The developer may obtain a copy of the recorded plat from the county circuit clerk at the developer’s expense.

(d) No building, plumbing or construction permits may be issued until proof of the recording of the approved final plat has been presented to the planning department, giving plat book and page number, or instrument number.

16-4-83 -- 16-4-89. Reserved.
ARTICLE V. DEFINITIONS

16-4-90. Definitions.

The following words, terms and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building:* A building which:

(a) is subordinate to and separate from and which serves a principal building or principal use.

(b) is subordinate in area, extent or purpose to the principal building or principal use served.

(c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.

(d) is located on the same zoning lot as the principal building or principal use.

(e) does not contain a use that would constitute a principal use of the land if separately sited.

*Alignment:* The designated or optimally engineered location for the centerline of the street or roadway consistent with proper grade and curvature criteria.

*Alley:* A public or private right-of-way primarily designed to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street.

*Applicant:* The owner of the land proposed to be subdivided or his representative. Written consent shall be required from the legal owner of the land.

*Bill of assurance:* A legal document specifying the covenants and restrictive conditions applicable to a particular property.

*Block:* A tract of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines of municipalities.

*Board of adjustments and appeals:* A board established pursuant to the Hot Springs zoning code for the purpose of hearing variance requests as authorized by the zoning code and other applicable regulations.

*Board of directors, city board of directors, city board or board:* The duly elected governing body of the city of Hot Springs, Arkansas.
**Bond:** Security in the form of and limited to a cash deposit, surety bond underwritten by a bonding company licensed to do business in Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the city that can be unilaterally drawn upon by the city for the completion of proposed improvements by a developer.

**Boundary street:** An existing street abutting on any side of the parcel of land being subdivided.

**Boundary street improvements:** All improvements and right-of-way dedications necessary to meet the standards set forth in the city=s Master Street Plan and the city=s Stormwater Management Ordinance.

**Buffer:** An area of land together with planting and screening that is designed to minimize or eliminate conflicts between dissimilar land uses.

**Buildable area:** The area of that part of the lot not included within the yards or open spaces herein required.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; and forming a construction that is safe and stable; the word building is synonymous with the word structure.

**Building, Coverage:** The percentage of the lot area covered by the building.

**Building height:** The average vertical distance from the highest point of the building to the sidewalk grade or finished lot grade adjacent to the building, whichever is higher.

**Building line:** The line within a property which defines a minimum horizontal distance to be provided between an exterior building wall or building support and the adjacent property line. This includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**Building location:** That portion of a lot upon which buildings or structures may be placed. In measuring setbacks or offsets, the following shall be excluded from distance requirements:

(a) The outer three feet of roofs or cornices projecting beyond the wall or supporting columns

(b) Walls or fences, not over eight feet in height, located behind the required front setback line

(c) Unroofed structures or portions of structures of a height not greater than the distance from the property line or four feet, whichever is less.

**Building, main or principal:** A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.
Building, temporary construction: A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.

Capital improvement program: A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and anticipated means of financing each project. All projects require the expenditure of public funds, over and above the city’s annual operating expenses for the purchase, construction or replacement of the city’s physical assets.

City: The words “the city” or “this city” shall be construed as if the words “of Hot Springs” follow it and shall extend to and include its several officers, agents and employees.

City attorney, city clerk, director of planning: Any office referred to in this chapter by title, i.e., city attorney, city clerk, director of planning, etc., shall be the person so retained in this position by the city or his duly authorized representative.

City engineer: The employee of the city designated by the city manager as the city engineer or acting in the capacity of a city engineer.

Clearing: The removal of natural vegetation including trees, bushes, vines, weed, grass, etc. and such other minor dirt work that does not meet the definition of grading as stated herein.

Commercial subdivision: A division of a tract or parcel of land into two (2) or more building sites for commercial uses.

Commercial establishment: A unit whose function is to sell goods and/or services at wholesale or retail, where goods are not stored outside buildings and offices of construction firms where neither materials nor equipment are stored, manufactured or assembled on site. Establishments which would otherwise be considered within this definition but which have limited or incidental outside storage or assembly may be included in this definition.

Commission: The planning commission of the city of Hot Springs, Arkansas, as established by ordinance of the Hot Springs board of directors.

Comprehensive plan: The officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Hot Springs, Arkansas, Comprehensive Plan.

Construction drawings: Detailed plans and standards depicting the materials and methods, including plan and profiles and standard details to be used in the installation of improvements in a subdivision or large-scale development.

County: Garland County, Arkansas.

County circuit clerk: The County Circuit Clerk of Garland County, Arkansas.
County judge: The chief executive officer of Garland County, Arkansas.

Crosswalk: A strip of land dedicated for public use which is reserved across a block for the purpose of providing a pedestrian access to adjacent areas.

Cul-de-sac: A local street not more than 800 feet in length having only one outlet and having an appropriate turnaround for Fire Apparatus Access as governed by the Arkansas Fire Prevention Code.

Design criteria: Standards that set forth specific improvement requirements.

Developer: Any person, firm, partnership, corporation, utility or other entity subdividing or proposing to subdivide lands within the planning jurisdiction of the City of Hot Springs Planning Commission.

Development plans: Plans indicating the site layout and proposed improvements of a subdivision or large-scale development.

Easement: Authorization by a property owner of any designated part of his property for the use by another and for a specified purpose.

Engineer: A professional engineer registered to practice in the State of Arkansas.

Expressway: See AStreet, expressway. A

Extraterritorial jurisdiction: The area between the city limits and the outer boundary of the city planning area as adopted by the Hot Springs board of directors. See also planning area.

Extraterritorial limits: The outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Family Land Division: A one-time division of land creating a new tract, parcel or lot where such division is for the sale of, or gift to, a member of the immediate family of the property owner(s). Only one such division shall be allowed during the lifetime of each family member of the donor or grantor without regard for ownership by the donor or grantor or differing tracts or parcels of land and such division shall not be for the purpose of circumventing this ordinance. Family land division may occur in un-zoned county area within the Hot Springs Planning Area. The donor or grantor my gift or sell such lot only to a qualified family member. (Ord No. 5834, §3, 9-6-2011)

Fee in-lieu-of contribution: A cash contribution for required Boundary Street Improvements instead of immediate construction.

Freeway: See “Street, freeway.”

Frontage road: See “Street, frontage.”

Grade: The slope of a road, street or other public way, calculated by the vertical rise (+) or fall (-) of a segment divided by the length of the segment, specified in percentage terms.
Grading: Any excavation which is more than two (2) feet in depth, or which creates a cut slope greater than five (5) feet in height and steeper than one and one half horizontal to one vertical. Grading also includes any fill of more than one (1) foot in depth and placed on natural terrain with a slope steeper than five horizontal to one vertical; or greater than three (3) feet in depth, intended or not intended to support structures; or which exceeds one-half acre on any one lot; or any fill which may obstruct a drainage course.

Health department: The Arkansas State Department of Health.

Highway: A street or roadway which is a part of the state highway system which is proposed and/or maintained by the Arkansas Highway and Transportation Department.

Immediate family member: Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent.(Ord No. 5834, §3, 9-6-2011)

Improvements: Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, street lighting and other utilities and related items.

Incidental submittals: Lot splits, minor subdivisions, lot recombinations, replats, or one-lot subdivisions that do not require submittal to the planning commission but which may be approved by the director of planning.

Industrial establishment: A unit where a product is manufactured, fabricated, finished, or assembled on site, specifically including but not limited to: printing presses, construction firms where materials or equipment are stored outside, and wholesalers where products are stored outside buildings. Establishments which would otherwise be considered within this definition but which have limited or incidental commercial use may be included in this definition.

Industrial subdivision: A division of a tract or parcel of land into two (2) or more building sites for industrial uses.

Large scale development: Developments of such scale or complexity, as set forth in Article II that they require individual review by the planning commission.

Loop street: A street closed on either end with “T” intersections and which intersects the same street twice with no other intersection.

Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development. For purposes of this definition, there shall be three (3) design configurations:

Traditional, which shall be defined as a true or near true square or rectangle;

Contemporary, which shall be defined as a lot with multiple side or multiple rear lot lines that intersect with acute angles or create a polygon; and

Pipe-stem, which shall be defined as a lot with narrow street frontage and disproportionately wider rear yards, also known as “flag lots.”
Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, double frontage: A lot fronting on two (2) streets but not including a corner lot.

Lot of record: Any tract, lot, parcel or legally describable ownership established by public record such as a recorded deed or plat, or a recorded or unrecorded contract for deed, signed and notarized existing prior to June 1, 2011. An easement shall not constitute a lot of record. (Ord No. 5800, §3, 6-7-2011)

Lot, reverse-frontage: A lot designed to be developed with the rear yard abutting a major street and with primary means of ingress and egress provided on a minor street.

Lot split: The dividing of an undivided recorded lot or parcel into two (2) or more tracts.

Maintenance bond: A bond, or other such instrument, furnished by the developer to the city, for a specific time period, to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the developer or his contractor.

Manufactured home: A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the federal standards and under A.C.A. §20-25-102.

Manufactured home subdivision: The division of a tract or parcel of land into two (2) or more tracts to be sold for the exclusive placement of manufactured homes.

Manufactured home park: A tract of land, under one ownership, divided into separate individual spaces for placement of manufactured homes where the individual spaces or manufactured homes are intended for rent or lease.

Master street plan: The official street plan for the city denoting street classifications, alignments and their design standards as defined in the street specifications regulations as may now or hereafter be adopted by the Hot Springs board of directors.

Metes and bounds description: A portion of land not in a platted subdivision which is described by bearings and distances and is used as a lot with or without improvements required by the planning commission.

Minor subdivision: See “Subdivision, minor.”

Mobile home: A single-family dwelling that is fabricated in an offsite facility prior to the enactment for the Federal Manufactured Home Construction and Safety Standards (24 CFR 3280), the same being no longer permitted in the City of Hot Springs, except as outlined in the Manufactured Home Ordinance.
Neighborhood: A number of residential units united by a network of residential and collector streets forming a loosely cohesive community characterized by individual features that together establish a distinctive appearance and atmosphere.

Off-site: Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant.

One-half street section: The area to the legal centerline of the required roadway. Where a clearly defined right-of-way does not exist, the director of planning shall establish the centerline location.

Owner: The owner(s) of record for all the land in a subdivision or authorized agent thereof.

Pavement width: That portion of a street measured from the outer edges of a paved surface at a right angle with the centerline of the street. The width of pavement on curbed streets shall not include the width of the curbs and/or gutters.

Performance and payment bond: A bond, or other such instrument, posted by the developer to the city to guarantee completion of the proposed improvements within a subdivision, and to guarantee payment of all charges for labor, material, equipment and all other items and services used or utilized in the project.

Planned development (PD): A parcel of land proposed for development as a single entity and which may include dwelling units, commercial, office, industrial uses or any combination thereof under the provisions of the zoning code.

Planning area: The area within the city limits of the city of Hot Springs and the extraterritorial area of the Hot Springs planning commission as established by the planning commission and approved by the board of directors.

Planning department: Such department, division or section of the city as may be established by the city manager or board of directors, under the direction of a planning director, for the purpose of administering this code.

Planning director: The city official designated by the city manager as having planning authority and authorized to administer this code or his duly authorized representative.

Plat, final: A finished drawing(s) showing, completely and accurately, all legal and surveying information required herein.

Plat, preliminary: Any drawing(s) indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for review and approval to construct the subdivision pending approval of the construction drawings by the appropriate staff.

Plat, sketch or sketch plan: A map or chart of a proposed subdivision of land on which the approximate location of the natural topographic features (sketches, roads, creeks, buildings) are roughly shown, overlaid with a proposed lot and street layout with notes indicating minimum lot area and lot width.
**Professional engineer:** A person who has been duly registered or licensed as a professional engineer by the state board of registration for professional engineers and land surveyors.

**Professional surveyor:** any person engaged in the practice of land surveying as defined in this section and who is licensed by the state board of registration for professional engineers and surveyors.

**Protective covenants:** Legally sound elements of the bill of assurance intended to aid the developer’s land development program and to protect the future purchaser’s investment.

**Plug:** A narrow parcel of land or right-of-way located adjacent to undeveloped land for the purpose of permitting access for future development. Also known as “stub.”

**Public street system:** The total sum of the public streets within the planning area including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

**Replatting:** A change in the layout of an approved or recorded plat.

**Residential, subdivision:** A subdivision for which all lots, tracts, and parcels are intended for residential use.

**Re-subdivision:** The re-subdivision of any part of previously platted subdivision, addition, lot or tract.

**Right-of-way, public:** A parcel or strip of land, whether dedicated to the public or belonging to the public by prescriptive right of use, intended for use as a street, walkway, railroad, utility or other public use.

**Right-of-way dedication:** The dedication to the city of sufficient right-of-way as required by the most recently adopted master street plan. Right-of-way dedication for boundary streets shall apply to one-half street sections abutting a proposed subdivision or development.

**Service easement:** A recorded easement used by public utilities for the purpose of installation and maintenance of facilities or used by the public as a means of access to commercial, office, industrial or multifamily developments.

**Set-back line:** A line parallel to the property line which establishes, between any building and the property line, the minimum open space upon which no building shall be permitted.

**Staff:** Such employees of the city as may be designated by the city manager with the responsibility to administer these regulations.

**Street:** A right-of-way used or intended for use by vehicular or non-vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.
Street, arterial: Any street designed primarily to accommodate major traffic movements between cities or between various sections of the city, which forms part of a network of through streets and which provides service and access to abutting properties only as a secondary function. A street so designated by the city’s master street plan.

Street, boundary: An existing or proposed public street or street right-of-way line abutting or sharing a common line with a tract of land of other ownership.

Street, classified: Any street identified by the duly adopted comprehensive plan, master street plan, street specifications, or otherwise designated by the city as highway, arterial, major collector or minor collector.

Street, collector: A street, which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial streets or business area.

Street, commercial: A local street which serves one or more commercial establishments and no industrial establishments.

Street, dead-end: A street other than a cul-de-sac with only one connection to the public street system.

Street, existing: A street, as defined herein, on which a road bed and/or base or pavement has been placed and which has been used by vehicular traffic.

Street, expressway: Any divided street or highway with no access from abutting property and which has only separated or at-grade access from other public streets and highways.

Street, freeway: Any divided street or highway with complete access control and grade separated interchanges with other public streets and highways.

Street, frontage: A street parallel to and adjacent to an expressway or freeway which provides access to abutting properties.

Street, industrial: A local street which serves one or more industrial establishments.

Street, local: A street which serves only the properties which abut upon it, and: (1) which does or may provide access to not more than one hundred (100) residential dwelling units, and (2) which does or may carry not more than an average of three hundred (300) trips per day.

Street, loop: A street closed on either end with a "T" intersection and intersecting the same street twice with no other access to the public street system.

Street, major collector: A street which function is to gather traffic from local streets, and minor collector streets and carry it to the highway and arterial system. Any street which does or may carry an average of five hundred (500) or more trips per day and not designated as arterial or highway. Any street so designated in the city’s comprehensive plan.
Street, minor collector: A street which function is to gather traffic from local streets and carry it to the major collector, arterial and highway system. Any street not classified as a major collector, arterial or highway and not meeting the definition of a local or residential street.

Street, private: Any street or roadway not accepted by the proper authority nor recognized as a public street by the city board and/or county judge on the effective date of these subdivision regulations. Also, any street specifically allowed as a private street by the planning commission.

Street, public: A street or roadway which has been dedicated to the public and accepted by the proper authority or a street by prescriptive rights which has been accepted by proper authority.

Street, residential: A street existing or designed to provide circulation within a residential subdivision or a street which serves only residential properties.

Street right-of-way width: The shortest distance between the lines which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

Subdivider: Any person dividing or proposing to divide land so as to constitute a subdivision as herein defined.

Subdivision: The division of any tract or parcel of land in one (1) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, rent or building development, and shall include all divisions of land involving the need for new access, a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to these subdivision regulations:

(a) The combination or recombination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards and ordinances of the city, and not change any street or easement;

(b) The division of land into parcels greater than ten (10) acres provided each newly created lot or parcel has minimum lot frontage on a public street and requires the construction of no additional streets;

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

Subdivision, commercial: A division of a tract or parcel of land into two (2) or more building sites for commercial uses.

Subdivision, industrial: A division of a tract or parcel of land into two (2) or more building sites for industrial uses.

Subdivision, residential: A subdivision for which all lots, tracts and parcels are intended for residential use.
Subdivision boundary: The outermost property line of the existing or proposed subdivision which encompasses the entire subdivision lands as divided or proposed to be divided.

Subdivision minor: A subdivision of four (4) lots or less intended for residential use and with no required street dedication.

Subdivision, strip: A subdivision of land, located on an existing public street, into one or more lots, parcels or tracts of less than ten (10) acres which does not require the construction or dedication of any new street, road or extension of utility mains.

Surveyor: A land surveyor registered in the State of Arkansas.

Territorial jurisdiction: The area described in A.C. A. §14-56-413 (A) (1) (A) which, for the purposes of planning and control of the development of land, the jurisdiction of the city of Hot Springs is exclusive and which includes all land lying within five (5) miles of the corporate limits.

Townhouse: A residential dwelling unit which is connected by one or more walls to a series of similar units, usually sharing the same street frontage.

Vehicular access easement: A vehicular easement not dedicated to the public and authorized by the planning commission to provide primary access in hardship areas, and not more than five hundred (500) feet in length nor serving more than five (5) lots and/or building sites.

Zero-lot-line development: A residential development concept eliminating the normal side yard requirement on one (1) side of a lot and providing for more usable open space for the other side yard. Final plats involving this concept shall reflect a buildable area on each lot so as to provide for proper placement of the units and assurance that no lot will be adversely affected by placement of adjoining units.

Zoning ordinance and/or zoning regulations: The Hot Springs zoning code providing for land use regulation within the planning jurisdiction of the city as provided by state law and as adopted by the Hot Springs board of directors.

(Ord. No. 5715, 3-3-09)
THIS PAGE LEFT BLANK INTENTIONALLY
ARTICLE I. PURPOSE AND DEFINITIONS

16-5-1. Adoption; purpose; objectives.

16-5-1.1. Adoption.

The following regulations are hereby adopted and this Ordinance shall be referred to as the “Hot Springs Sign Code:”

16-5-1.2. Purpose; objectives.

The purpose and objectives of this code are as follows:

(a) Regulate the location, size, construction, alteration, use and maintenance of all onsite and offsite signs located within the jurisdiction of the City of Hot Springs.

(b) Protect the health, safety, welfare, convenience and the natural beauty of the city, and protect the public from damage or injury caused or attributable to improperly designed or constructed signs.

16-5-2. Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used as follows:

Administrator means the person designated by the city manager to administer and enforce this ordinance.

Banner means a sign printed or displayed upon cloth or other flexible material.

Cross references—building and construction, Title 15, historic district, § 16-7-1 et seq; streets and sidewalks, § 12-1-1 et seq; seasonal parking lot signs, § 16-1-10.5; planning and zoning, § 16-1-1 et seq; advertising, § 4-1-1 et seq.
Beacon means stationary or revolving light which flashes or projects illumination, single-color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include a kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Controlled access highway means any state or federal numbered highway designated by ordinance as a controlled access highway by the board of directors of the city.

Development means use of an identifiable parcel of land for any purpose other than a single-family structure.

Directional sign means a sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.

Display surface area means the area of a sign computed by including the entire area within a single, continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblems, copy, letters, canisters, supports or structural component. Provided, the structural components shall not be included in the surface area calculation if they are constructed or arranged in a manner that is incidental to the display surface area of the sign.

District or zoning district means a section or sections of the zoning area within the city for which the zoning ordinance governing the use of buildings and land are uniform. References to individual zoning districts contained herein shall refer to the zoning districts which are, now or may hereafter be established.

Electronic variable message sign means a device capable of showing a series of different messages in a predetermined sequence using a message changing mechanism which may be controlled remotely by wire or radio and programmed for either automatic operation or manual activation.

Erect means to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of wall signs.

Flashing sign means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times.

Freestanding sign means a sign which is attached to or is a part of a completely self-supporting structure and located on the lot or parcel which is advertise on the sign. Portable temporary signs, billboards and offsite signs are not included in this definition.

Height means (the distance) from the finished grade to the top of the structure.

Illuminated, indirect means that illumination so arranged that the light is reflected from the sign to the eyes of the viewer.
Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

Lease means an agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property.

Lot means a parcel of land under one ownership whether described by metes and bounds or as a platted lot.

Maintenance means cleaning, painting, electrical repair, and repair of the parts of a sign structure, other than the changing of the copy, that does not alter the basic design, configuration or structure of the sign.

Mall means any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansford roof means any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of this article, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Mural means a painting permanently attached or painted on a structure which does not bear any trademarks, moving parts, lights or any advertising material or devices.

Nonconforming sign means a sign existing at the effective date of the adoption of this code which could not be built under the terms of this code.

Onsite sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or parcel of property where such sign is displayed.

Outdoor advertising sign means a sign, billboard or off site sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere other than upon the same lot or parcel where such sign is displayed. The term “offsite sign” shall include sign or billboard on which space is leased, rented or contributed by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

Outdoor advertising sign face means the area of an outdoor advertising sign on which the copy of the advertising is placed. The sign face is attached to the sign structure.

Outdoor advertising sign structure means a sign structure which may consists of some or all of the following component parts, the foundation, the pole structure, the horizontal torsion pipe, the uprights, the stringers, the catwalks, the ladders, the safety cables, the aprons, and the electrical components.
Parapet means either the edge of the roof or the top of a wall which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

Parking informational sign means a wall sign or a freestanding sign indicating the location of a motor vehicle parking lot and designating the persons authorized to park in said lot.

Person means and includes any person, firm, partnership, association, corporation, company or organization, of any kind.

Projecting sign means any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Real estate sign means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Roof sign means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, reading matter or other similar device, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Shopping center means two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Spotlight illumination means illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Temporary sign means any sign not permanently attached to the ground, a building or structure. Included under this term are portable temporary signs, poster panels, banner type signs, balloons and other inflatable devices or any other portable device used to attract attention.
Wall sign means any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted. For the purpose of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awnings, or a building canopy shall be considered a wall sign.

16-5-3. Penalty.

(a) The penalty for violation of this ordinance shall, upon conviction in Hot Springs Municipal Court, or any other court of competent jurisdiction be such fines as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(b) The owner or tenant of any building, structure or premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this article.

(c) Nothing contained in this shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.


16-5-4. Conflict.

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the city code, the provision which establishes the higher standard shall prevail.

16-5-5–16-5-9. Reserved.

ARTICLE II. PERMITS AND ADMINISTRATION

16-5-10. Sign permit required.

(a) Except as otherwise provided, no sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this article. Repainting a sign or repainting the message on a sign may not, in and of itself, be considered a alteration.

(b) Signs may be constructed, erected, moved, enlarged, illuminated or altered only after issuance of a permit by the administrator. It shall be the contractor’s or owner’s responsibility to call for a final inspection when construction of the sign has been completed.

(c) All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as prescribed in the city electrical code.

Permit fees for new or altered onsite signs shall be based on the square feet of the sign. Said fee(s) shall be such amount as may now or hereafter be established by resolution of the board of directors. The square footage of a sign shall be calculated using only one side of the surface area of the sign. The largest side shall be used if the sides are different sizes. The surface area of a sign shall be computed by including the entire area within a single, continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblems, canisters, supports or structural components. If a sign consists of more than one section or module necessary to convey a name or phrase, channel letters, etc., all of the area, including that between sections or modules, shall be included in the computation of the display surface area. Provided, the structural components shall not be included in the surface area calculation if they are constructed or arranged in a manner that makes them not part of and incidental to the display surface area of the sign.

Cross reference—Fee schedule, §16-5-34.

16-5-12. Signs excluded from regulation.

The following signs are exempt from regulation under this code, provided they meet the requirements listed below.

(a) Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as:

(1) Signs giving property identification names or numbers or names of occupants;

(2) Signs on mailboxes or newspaper tubes; and

(3) Signs posted on private property warning the public against trespassing or danger from animals.

(b) Signs erected by or on behalf of or pursuant to the authorization of a government body; including legal notices, identification and informational signs, and traffic, directional or regulatory signs.

(c) Official signs of a noncommercial nature erected by public utilities.

(d) Flags, pennants or insignia of any governmental organization when not displayed in connection with a commercial promotion or as an advertising device.

(e) Integral decorative or architectural features of a building as long as such features do not contain letters, trademarks, moving parts, lights or any advertising material or devices. This does not include murals.

(f) Signs directing or guiding traffic on private property that do not exceed six (6) square feet each and bear no advertisement matter other than the company name and or logo.
(g) Off-premises directional signs for religious and non-profit institutions that do not exceed four (4) square feet that are located on private property. (Ord. No. 5548, §2, 3-5-07)

(h) Signs permanently painted or similarly applied to the body of a currently licensed motor vehicle when such vehicle is necessary to the conduct of business and when the vehicle is not primarily used or intended to be used as a sign. Signs on vehicles must relate directly to the business for which the vehicle is used. Provided, further, no sign board of any kind or nature may be attached or affixed to a vehicle except as permitted pursuant to Article III, §13-1-24 (j) (vehicles for hire). (Ord. No. 5580, §1, 7-2-07)

(i) Seasonal parking lot signs that meet the requirements of such Ordinance(s) as may now or hereafter be adopted by the board of directors governing seasonal parking lots.

(j) Signs attached to no more than twenty-five (25) percent of the interior of a building window or glass door at any given time. This prohibition does not apply to open/close signs of two square feet or less.

(k) Reader boards for drive thru restaurants located on the drive thru lane that do not exceed eighty (80) square feet in surface area and do not exceed twelve (12) feet in height.

(l) Parking lot informational signs that do not exceed twenty-four (24) square feet. One parking information sign shall be allowed at each parking lot entrance.

(m) Each building or separate parcel of real estate is permitted one real estate sign per street frontage which advertises the sale, rental or lease of the premises or property on which said sign is placed, subject to the following limitations. Signs shall be removed immediately after sale, lease or rental of property.

   (1) Residential, single family to five (5) units: Maximum area shall be not more than nine (9) square feet and the maximum height shall be not more than six (6) feet.

   (2) Residential, multifamily, five (5) units or more: Maximum area shall be not more than fifty (50) square feet and the maximum height shall be not more than ten (10) feet.

   (3) Commercial, industrial and quiet business: Maximum area shall be not more than eighty (80) square feet and the maximum height shall be not more than fifteen (15) feet.

(n) Construction site identification signs may identify the project, the owner or developer, architect, engineer, contractor and sub-contractors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one such sign may be erected per site, per contractor, and said signs shall not exceed one hundred (100) square feet in area. Said signs shall not be erected prior to the issuance of a building permit and must be removed when the project is completed.
(o) Signs erected in connection with elections or political campaigns shall be governed by such ordinance(s) as may now or hereafter be adopted by the board of directors.

(p) Signs indicating that the grand opening of a business enterprise is to take place may be erected on site not more than two (2) weeks before the event and must be removed not later than three (3) days after the event, this does not include sales or re-openings.

(q) Temporary signs erected in connection with an approved event held on publicly owned property. Such temporary signs may be erected no earlier than forty-eight (48) hours prior to the event and must be removed not later than the day following the event. Placement of such temporary signs shall be restricted to the event site at such locations as shall be approved by the site manager. Temporary signs permitted by this paragraph shall not be placed in any public right-of-way or any other public property, other than the event site, unless specifically approved by the appropriate governing body. (Ord. No. 5269, § 1, 6-7-04)

(r) Permanent signs on airport property approved by the airport manager as follows: Each lease holder shall be allowed one permanent free standing sign. Said signs shall be no larger than 32 square feet in area and no taller than 8 feet above grade. All such signs shall be constructed to comply with local building and electrical codes. Provided that signs erected under this exemption shall be set back a minimum of 350 feet from Highway 70/Airport Road and shall be located in the immediate proximity of the lessee’s location. Said signs shall be removed by the lessee within 30 days of their lease termination. (Ord. No. 5320, § 1, 2-7-05)

(s) Third party advertising and informational signs and displays placed on the exterior of public transit vehicles operated by a government agency. (Ord. No. 5548, §1, 3-5-07)

Cross reference—Seasonal parking lot signs, §16-1-10.5.


The planning commission shall hear all appeals to the requirements of this ordinance.

(a) The planning commission shall have the following powers and it shall be its duty:

1. to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or interpretation made in the enforcement of this article.

2. to hear requests for minimal deviations from the literal provisions of this code for the erection of a new sign in instances where strict enforcement of this code would cause practical difficulties due to circumstances unique to the individual sign under consideration, and
grant such deviation only when it is demonstrated that such action will be in keeping with the spirit and intent of this article. The commission may impose reasonable conditions in the granting of a deviation to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance. Any deviation granted by the planning commission shall automatically be revoked if the applicant does not comply with the terms of the variance within ninety (90) days from the granting thereof.

(b) In exercising the above-mentioned powers, the commission may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or interpretation as ought to be made.

(c) The concurring vote of a majority of the full commission shall be necessary to reverse any order, requirement, decision or determination of a city official, or to decide in favor of the applicant on any matter addressed under this article, or to effect any variation in this ordinance.

(d) Decision of the planning commission may be further appealed to the board of directors who shall hear such appeal in accordance with the provisions of subsection (a) of this section.

16-5-14–16-5-19. Reserved.

ARTICLE III. SIGN STANDARDS

16-5-20. Wall signs.

(a) Wall signs in all zones shall not project more than eighteen (18) inches from the wall on which it is mounted. Further provided that the upper edge of a wall sign mounted on a mansard roof may project more than eighteen (18) inches from the surface on which it is mounted as long as the sign is perpendicular to the ground. Wall signs may not project above the top of the wall or parapet or beyond the end of a building.

(b) The display surface area allowed for wall signs in C1, C2, C3, C4, M1, and M2 zones shall not exceed two hundred (200) square feet for any one wall sign. Multiple or single wall signs may not exceed more than twenty (20) percent of the area of the wall on which they are located. Further provided that wall signs in C-Tr zones shall only be allowed on walls facing a street. Wall signs in C-Tr zones shall not exceed twenty-four (24) square feet, further provided that only one (1) wall sign will be allowed in C-Tr zones.

(c) A projecting wall sign will be allowed in place of a freestanding sign. Projecting wall signs shall meet all the construction requirements of the city building code. A projecting wall sign shall be included in the total allowable signage for the wall it is attached to or projects from. The allowable display area of a single side of a projecting wall sign shall not exceed 150 square feet. Projecting signs that extend into the street right-of-way or over walk.
ways must have at least nine (9) feet of clearance between the bottom of the sign or sign structure and the sidewalk. Projecting signs must be designed, constructed and attached in accordance with the construction standards as stated in the city building code.

(d) Unless otherwise provided for in this section or other sections of this code, the maximum surface area allowed for a wall sign in any residential zone shall be four (4) square feet.

(e) Reserved

(f) Canopies, signs painted on or attached to canopies, shall be considered wall signs and count towards the total surface area allowed for the wall the canopy is attached to.

(g) Multi tenant structures, tenant wall signs on multi tenant structures, shall be located on that part of the structure the tenant occupies and shall meet the requirements for wall signs as stated in this article. A shopping center, development or other multi tenant use may have wall signs identifying the center or development on the side of the structure from which the principal entrance to the center is obtained. Individual tenant signs shall also be allowed on that side of the structure, provided the surface area of all signs on that side of the structure do not exceed twenty (20) percent of the total area of that wall.

16-5-21. Freestanding signs.

(a) For purposes of this section, the display surface area of a freestanding sign shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Only one side of a freestanding sign will be used to calculate allowed square footage of the sign. Provided, further, that the distance between the backs of the sign does not exceed four (4) feet.

(b) The sign surface area of a double-faced sign constructed in the form of a “V” shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), as long as the angle of the “V” does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

(c) In the C-1 (except historical districts), C-2, C-3, C4 commercial or mixed use planned development, M-1 and M-2 districts, a single side of a freestanding sign may not exceed one square foot in surface area for every linear foot of street frontage of the lot along the street toward which such sign is oriented. However, in no case may a single side of such signs exceed two hundred and fifty (250) square feet in surface area.

(d) In the C-Tr districts, a single side of a freestanding sign may not exceed twenty-four (24) square feet.

Editor's note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.

16-5-22. Freestanding signs- Number.

Unless authorized by this section, no development may have more than one freestanding sign except as follows:
(a) If a development is located on a corner lot that has at least one hundred (100) feet of street frontage on each intersecting public street, the development may have one freestanding sign along each side of the development bordered by such public streets. Further provided, side street signs must be located at least fifty (50) feet back from the intersecting corner and must be oriented towards the side street.

(b) If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot boundaries (double front lots) then the development may have one (1) freestanding sign on each side of the development bordered by said streets.

(c) Lots having five hundred (500) feet or more of continuous frontage on a public street may have one sign for every five hundred (500) feet of continuous frontage, provided that each sign is located at least five hundred (500) feet apart.

(d) If a development is located on a lot that is bordered by a public street and the lakefront, then the development may have a sign on each side. The lakefront sign shall be one-half the size permitted on the public street.

(e) In the case of a development occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center or multi tenant development), regardless of the number of individual business enterprises, the development will be allowed the number of freestanding signs as provided for in this code for a single business enterprise. The administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed may be allocated equitably among all tenants, but the administrator shall be responsible for enforcing only the provisions of this code and not the provisions of any allocation formula, lease, or other private restriction.

(f) If a development is located on a lot that does not have frontage on the street that serves as the primary entrance to the development, the development may have a freestanding sign located on the lot, provided the sign is constructed to meet the size and spacing requirements as stated in this article.

16-5-23. Location and height requirements.

(a) All parts of freestanding signs shall be positioned on site in such manner that no part of the sign projects over a property line. Freestanding signs constructed on a solid base such as monument signs, cased pylon signs or other similar signs shall be setback from the property lines sufficient distance to insure the sign does not interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways.

(b) No part of a freestanding sign may exceed a height, measured from ground level, of thirty-five (35) feet in commercial or mixed use planned developments, C-1, C-2, C-3, C-4, M-1 and M-2 districts. Freestanding signs in all other districts shall not exceed twenty (20) feet.

Editor's note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.
16-5-24. Miscellaneous sign restrictions and prohibitions.

(a) **Residential development entrance signs.** At any entrance to a residential planned development, residential subdivision or multifamily development, there may be not more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed forty-eight (48) square feet.

(b) **Illumination; signs containing lights.** Unless otherwise prohibited in this article, signs may be illuminated if such illumination is in accordance with this section.

   (1) No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

   (2) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

   (3) Internally illuminated signs are not permissible in residential zoning districts, except signs giving property identification names or numbers; provided, however, that internally illuminated signs are permissible for any conditional use establishment authorized by the planning commission within a residential zone; and provided further, that said illuminated signs shall be in compliance with any special conditions as may be determined necessary by the planning commission to protect the residential character of a neighborhood.

   (4) No sign may contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity that shine or flash in a way that can be confused with official traffic signals or emergency vehicles, nor may they shine in such a way that they are a nuisance to occupants of neighboring property or to obscure the view of oncoming vehicular traffic.

(c) **Temporary signs.** Temporary signs or banners are not allowed within the corporate limits of Hot Springs except under the following conditions or as otherwise provided in this ordinance:

   (1) One temporary sign may be placed per business address for three (3) 30 consecutive day periods per calendar year; provided, however, there shall be not less than 30 days between each display;

   (2) A temporary sign permit shall be obtained for each time displayed and the established permit fee paid. Such permits shall be issued to the business or activity located at the display address only. Temporary sign permits shall not be issued to or utilized by third party vendors;

   (3) The temporary sign advertisement or message shall be limited to the business or activity for which the permit was issued as an “onsite sign.” Third party advertisement is not permitted and temporary signs shall not be used as a form of off-site advertising;
(4) Banners or other types of flexible temporary signs shall be affixed to a building; 

(5) Rigid non-flexible temporary signs shall be allowed anywhere on the property to which the permit is issued; provided, however, that such signs shall not be placed within any public right-of-way; and 

(6) Temporary signs shall not exceed 60 square feet per sign face. (Ord. No. 5548, §4, 3-5-07)

(d) Roof signs. Roof signs are permitted in lieu of wall signs or freestanding signs when the placement of wall or freestanding signs would be unpractical. Further provided that all roof signs must be approved by the planning commission and meet the requirements of the city building code. The maximum allowed surface area of a roof sign shall be one hundred and fifty (150) square feet.

(e) Interference. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways. No sign may be erected so that by its location, color, size, shape, nature or message, it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(f) Building code. All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city building code.

(g) Historic districts. Because of the unique character of historic districts there have been specific regulations and procedures established which may provide for regulations of a greater or lesser degree than found elsewhere in this article. All signs in the historic district shall be subject to the ordinance(s) regulating signs within the historic districts.

(h) Commercial or mixed use planned development zones. All signs constructed or altered in commercial or mixed use planned development zones must be approved by the planning commission. In no event shall the commission approve signs in a commercial or mixed use planned development which would exceed the provisions for the maximum number, area, spacing or height of a sign as established in this ordinance.

(i) Signs placed on public property. Offsite sign, bulletins or other such amenities bearing signs, placed on public property for the primary benefit of the general public/community shall be permitted with the approval of the board of directors. Such signs, or amenities including community event message boards, public rest benches, etc., may or may not bear private advertising as authorized by the board of directors.

(j) Vehicles for hire. Third party advertising and informational signs and displays placed on vehicles for hire, except limousines, duly licensed under the City’s Transportation Code shall be permitted pursuant to this paragraph. Third party signage shall be limited to three (3) sign faces or display areas per vehicle. Each sign face or display area shall not exceed eight (8) square feet each. Third party signs shall only be placed on the rear or roof of the vehicle. A double sided sign shall be considered as two sign faces for purposes of this ordinance.
Such signage shall be placed in a manner which does not interfere with the lawful operation of the vehicle and is affixed to the vehicle in a frame or other device or means as approved by the administrator. An annual permit and permit fee shall be required for each sign face. The annual permit fee shall be as established by resolution of the Board of Directors. (Ord. No. 5548, §5, 3-5-07)

(k) Murals. Murals to be painted or otherwise affixed to a wall or other portion of any temporary or permanent structure or public facility must first be approved by the Planning Commission after review and recommendation of the Arts Advisory Committee. Murals will bear no moving parts, lights or any advertising material or devices nor anything that may be construed as graffiti. Murals may contain an area no larger that six (6) square feet with the artist’s and/or sponsor’s name. In determining whether or not a proposed mural should be approved, the Planning Commission shall in addition to these regulations, consider the following factors:

1. the non-binding recommendation of the Arts Advisory Committee;
2. how and by whom long-term maintenance of the mural will be guaranteed or if temporary in nature how, when and by whom removal will be accomplished; and
3. the overall impact of the mural on its surroundings. (Ord. No. 5639, §1, 3-3-08)

16-5-25. Sign maintenance.

(a) All signs and all components thereof including, without limitation, supports, braces and anchors, shall be kept in a good state of repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(b) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted on the lot the sign is located, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located or other party having control over such a sign; provided, however, that such signs may be retained if the property owner or controlling party renovates the sign within thirty (30) days of its abandonment, removes all obsolete advertisement, and thereafter maintains said sign in a good state of repair.


No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

(a) Within the right-of-way of any public street or road, unless the work is done pursuant to the expressed written authorization of the city (or other agency having jurisdiction over the streets).
(b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the expressed authorization of the person owning the property.


(a) Subject to the remaining restrictions of this section, nonconforming signs that were preexisting on the effective date of this article may be continued until they are to be rebuilt, altered or removed by the owner.

(b) A nonconforming sign that is determined to be a landmark or of historical interest or aesthetic interest within a historical district and/or as determined by the national register of historical places may be restored or maintained. If replaced, the sign must be a duplicate of the original sign or comply with the requirements of this article.

(c) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.

(d) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.

(e) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this article.

(f) The message of a nonconforming sign may be changed so long as this does not create an increase in the nonconformity.

16-5-28–16-5-29. Reserved.

ARTICLE IV. OUTDOOR ADVERTISING.

16-5-30. Outdoor advertising signs and billboards.

The primary intent of this article shall be to regulate signs that are defined to be off-premise advertising of a commercial nature, that are intended to be viewed from any vehicular or pedestrian public right-of-way. No offsite signs shall be allowed within the city limits other than those provided for in this code or those approved pursuant to the “Logo Signing Program” of the Arkansas State Highway and Transportation Department. The Highway 70-270 East/West arterial (Dr. Martin Luther King, Jr., Expressway) and all future extensions thereof are hereby designated a scenic corridor and no offsite signs shall be constructed that would be visible from a scenic corridor.


New outdoor advertising signs will be allowed only in zones M-1 and M-2. All new outdoor advertising signs shall require planning commission approval prior to the issuance of a permit and shall be constructed to meet the construction standards for new signs as stated in this article.

Editor’s note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.
16-5-32. Outdoor advertising signs; Pre-existing sign provisions.

(a) Pre-existing signs. All pre-existing outdoor advertising signs that are existing on the effective date of this code, or those coming within the jurisdiction of the city limits by subsequent annexation of the property on which the sign is located, and those signs which have been approved by the planning commission prior to the effective date of this code shall not be subject to the provisions of this code unless they are to be rebuilt.

(b) Rebuilding. All pre-existing outdoor advertising signs may be rebuilt at their current location provided the rebuilt sign does not exceed the size, number and construction requirements of this section. All applications for the rebuilding of an existing sign must be approved by the planning commission.

(c) Maintenance. All outdoor advertising signs shall be properly maintained. Normal maintenance of an outdoor advertising sign shall not require the issuance of a permit provided the maintenance does not result in an increase in the size, height or area of the sign. Replacing the structural members of a sign shall be considered rebuilding the sign. The city shall have the authority to order the repair or removal of any outdoor advertising sign which is substantially deteriorated, damaged or defective and constitutes a hazard to the public. Obsolete or damaged copy shall be removed within 30 days of the date the copy became obsolete or damaged.

16-5-33. Outdoor advertising sign construction standards.

The following requirements apply to all new or rebuilt advertising signs within the city limits of Hot Springs.

(a) Height. No outdoor advertising sign shall exceed thirty-five (35) feet in height above the surrounding grade.

(b) Area of sign face. The area of a single face of an outdoor advertising sign shall not exceed three hundred (300) square feet.

(c) Number of sign faces. All new or rebuilt outdoor advertising signs shall be single-faced or back to back configuration. No stacked or double-faced signs shall be permitted.

(d) Lighting. Outdoor advertising signs may be illuminated provided the illumination meets the requirements established in this code.

(e) Construction standards of outdoor advertising signs. All outdoor advertising signs shall be constructed as per design plans stamped by a structural engineer and shall meet the construction requirements as stated in the city building and electrical codes.

(f) Aprons, moldings, and nameplates. Decorative aprons and moldings are permitted on outdoor advertising signs. No advertising copy may be placed on the aprons and the apron shall not count towards the total square feet of the sign face. Sign company information nameplates of less than (4) four square feet in size are permissible on outdoor advertising signs.
(g) **Safety devices.** All outdoor advertising signs shall have such safety devices as needed to insure the safe operation and maintenance of the sign.

(h) **Spacing.** No outdoor advertising sign be spaced less than 300 feet from another outdoor advertising sign on the same side of the roadway.

(i) **Setbacks.** All parts of an outdoor advertising sign shall be positioned on the site in such a manner that no part of the sign projects over the public right of way or onto public property.

(Ord. No. 5086, §1, 4-15-02)

16-5-34. **Sign permits - Fees.**

(a) That the following fees are hereby adopted for permits issued pursuant to Article II Paragraph 11 (Fees), of the Hot Springs Sign Code (Ordinance No. 5086, as amended):

<table>
<thead>
<tr>
<th>AREA (in square feet)</th>
<th>FEE PER PERMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) to sixty (60) square feet</td>
<td>$ 15.00</td>
</tr>
<tr>
<td>Sixty-One (61) to 300 square feet</td>
<td>$ 0.25 cents per square foot</td>
</tr>
</tbody>
</table>

The square footage of a freestanding, roof, projecting, or outdoor advertising sign shall be calculated using only one side of the sign. The largest side shall be used if the sides are different sizes.

(b) That the temporary sign permit fee for each sign permitted pursuant to Article III, Paragraph 24, Sub-paragraph (c) (Portable or temporary signs), of the Hot Springs Sign Code (Ordinance No. 5086, as amended) shall be $25.00 per permit.

(c) That the initial permit fee for vehicles pursuant to Article III, Paragraph 24, sub-paragraph (j) (Vehicles for Hire), of the Hot Springs Sign Code (Ordinance No. 5086, as amended) shall be $25.00 per sign face. Thereafter, the annual fee shall be $25.00 per sign face to be paid concurrently with vehicle annual licensing pursuant to the Transportation Code.

(Res. No. 6528, §§1-3, 3-5-07)

*Editor's note:* §16-5-34 was adopted by Resolution but included in the Codebook due to its permanent nature.
16-6-1. Political signs.

(a) Definition. As used herein, the term "political sign" means and refers to any sign which supports any political candidate or issue.

(b) Prohibited. Political signs may not be placed on public property, including without limitation, public rights-of-way, streets, alleys and sidewalks, government buildings and property, and public utility poles and other facilities. Provided, however, if any government building is utilized as an official polling place by the Garland County Election Commission, electioneering, including the display of political signs, may be permitted on such government property, on the day of the election only, provided such electioneering is conducted in accordance with A.C.A. § 7-1-103(a)(9).

(c) Conditions for placement. Political signs may be placed upon private property within any zoning classification, subject to the following conditions:

(1) No political sign may be placed upon private property without permission of the owner; and

(2) Political signs must be removed within ten (10) calendar days after the election to which they pertain.

(d) Authority of city. If a political sign is placed improperly or is not removed as required herein, the city is authorized to enter upon private property and to remove the sign.

(e) Responsibility. The candidate for whom a political sign is placed and the person who places a political sign are responsible for the placement and removal thereof according to the provisions of this section and, upon failure to do so, shall be subject to the penalties provided herein.

(f) Copies of section. Copies of this section shall be provided by the City of Hot Springs to all candidates for municipal offices, and copies hereof shall be provided to the Secretary of State and to the Garland County Clerk for distribution to candidates filing in those offices.

(g) Penalty. The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 5048, §1, 1-22-02)
THIS PAGE LEFT BLANK INTENTIONALLY
CHAPTER 7
HISTORIC DISTRICTS

ARTICLE I. IN GENERAL

16-7-1. Definitions.

As used in this article, the words and terms defined below shall have the following meanings:

*Alteration* means any construction or change of the exterior of a building or appurtenant structures, including, but not limited to: the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, balconies, signs or other ornamentation.

*Area of influence* means the affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the historic district commission.

*Building* means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

*Decked parking facility* means any multistory facility constructed for the purpose of providing parking spaces within the historic district.

*Detailing* means architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

*Entrance area* means area of access to the interior of the building, including the design, location, and materials of all stairs, windows, doors, transoms, piers, columns, cornices and awnings.

*Exterior architectural features* means the architectural style, general design and arrangements of the exterior of a structure, including, but not limited to, the kind and texture, of the building material, and the type and style of all windows, doors, cornices, light fixtures, awnings, signs and other appurtenant features.

Cross references—Hot Springs-Garland County Beautification Commission, § 2-8-2 et seq; streets and sidewalks, Title 12; responsibilities of abutting property owners re construction, maintenance of sidewalks and amenities, § 15-14-1 et seq.; planning and zoning, this title.

State law reference—Authority to establish historic district, A.C.A. § 14-172-201 et seq.
Facade means a face of a building.

Height means 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 the building.

Massing means volume, magnitude or overall size of a building.

Ordinary maintenance and repair means those improvements which do not involve a change in design, material, color, or outer appearance thereof, including, but not limited to: replacing deteriorated awnings, bricks or trim in the same material and texture; replacing or adding broken window glass, screens, gutters or downspouts; replacing windows in the same material and texture; painting exterior facade materials in the same, or virtually similar, color.

Pitch means degree of inclination.

Proportion means relationship of height to width of the building outline as well as individual components.

Reconstruction means the act or process of reassembling, reproducing or replacing by new construction, the form, detail and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by replacement of missing earlier work, or by reuse of original materials.

Restoration means the act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

Rhythm means a harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically, and their relative proportions.

Roof area means the outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, and including the slope and pitch, spacing of roof covering; the design and placement of cornices; and the size, design, material and location of vents, pipes or air conditioning units.

Scale means the relative dimension, size, degree or proportion of parts of a building to one another or to a group of buildings.

Setback means the horizontal distance, usually four (4) inches [feet] to twelve (12) inches [feet], measured from the outside boundary on the sidewalk of a structure, back to the edge or facing of the storefront.

Sidelight means a narrow window flanking a door.

Siting means location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site.

Storefront means the area on the ground floor of any structure bounded on either side by piers, columns or pilasters, on the top by the lower edge of the upper facade, and on the bottom by the sidewalk.
Structure means any improvement on the land which extends or is otherwise placed above ground level and which will be so placed or located for more than seven (7) days in any calendar year. A geologic formation and other incidental amenities shall not be deemed a structure for purposes of this article.

Texture means the visual or tactile surface characteristics created by shape, arrangement and distribution of the component materials.

Wall area means the vertical architectural member used to define and divide space, including the kind and texture and exposure of wall sidings and trims, and the location, number and design of all window and door openings. (Ord. No. 3944, §3, 3-21-88; Ord. No. 3955, § 1, 5-16-88)

16-7-2. Purpose.

It is hereby found and determined that any historic district, as established hereinafter, has a special character or special historic and aesthetic interest or value and represents architectural products of distinct periods in the history of the city, and that said area is in danger of being uprooted or having its distinctiveness destroyed without adequate consideration of the irreplaceable loss of the aesthetic, cultural, and historic values represented by the area and, therefore, its preservation is both feasible and desirable to the people of this city. (Ord. No. 5310, § 1, 1-3-05)

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of such area is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people of this city. The purpose of this article is to:

(a) Effect and accomplish the protection, enhancement, and perpetuation of this area which represents or reflects elements of the city's cultural, social, economic, political, and architectural history;

(b) Safeguard the city's historic, aesthetic, and cultural heritage, as embodied and reflected in this area;

(c) Stabilize and improve property values in the districts;

(d) Foster civic pride in the beauty and accomplishments of the past;

(e) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

(f) Strengthen the economy of the city; and

(g) Promote the use of the historic district for the education, pleasure and welfare of the people of the city. (Ord. No. 3944, § 1, 3-21-88)
16-7-3. District described.

The following historic districts are hereby created and established within the City of Hot Springs:

(a) The Central Avenue Historic District shall consist of that area of the city as shown on Exhibit "1" attached hereto, and thereby made a part thereof, and more particularly described as follows: The district begins at 205 Park Avenue, taking in the Majestic Hotel property consisting of lots 1 – 3 in block 140 of the Hot Springs, Reservation (a.k.a. Block 140 Lots 1 -3 of the Original Town of Hot Springs), and runs south along the west side of Central Avenue from 110 Central to 702 Central; the district runs from 111 Central to the Arlington Hotel on the east side of Central at the corner of Fountain and Central Streets. (Ord. No. 5897, § 1, 9-18-2012)

(b) The Pleasant Street Historic District shall consist of that area of the city as shown on Exhibit "1" attached hereto, and hereby made a part thereof, and more particularly described as follows: Beginning at a point where Kirk Street and Malvern Avenue intersect, the boundary runs north along the center line of Malvern Avenue to the intersection of Malvern and Gulpha. At this point the boundary turns and runs east along Gulpha to its intersection with Cottage Street. At Gulpha and Cottage Street, the boundary turns and runs north along the centerline of Cottage Street to its intersection with Church Street. The boundary runs north across Church Street to the rear property line of the Visitors’ Chapel A.M.E. Church at 317 Church Street and then turns and runs east along the rear property line of 317 and 319 Church Street to its intersection with Pleasant Street. At this point the boundary turns to run south along Pleasant Street where it veers east and encompasses the building at 133 Pleasant and the Union Baptist Church at 219 Gulpha. At the easternmost rear property line of 219 Gulpha, the boundary turns and runs south to Gulpha Street. At Gulpha Street the boundary runs west to the rear property line of the buildings at 201, 203, and 207 Pleasant Street where it turns and runs south along these rear property lines to the northern rear corner of the property at 229 Pleasant Street. At this point the boundary turns and runs east along the rear property lines of the houses on the north side of the 300 block of Garden Street to a point where the boundary intersects with the southwest corner of Lot 14 in Block 71 of the Hot Springs Reservation, thence along the northwest boundary of said Lot 14 extending to the centerline of Laurel Street. At this point the boundary turns to run south along the centerline of Laurel Street to its intersection with Garden Street. At Laurel and Garden Streets the boundary runs east along the center line of Garden Street to its intersection with Mound Street. The boundary then runs south along the centerline of Mound Street to its intersection with Grove Street. The boundary runs south across Grove Street where it turns and runs west along rear property lines of the south side of the 200 block of Grove Street to the centerline of Shiloh Street. At this point the boundary runs south along the center line of Shiloh, turns with Shiloh Street to the west then intersects with Pleasant Street. At Pleasant Street and Shiloh the boundary runs north along the centerline of Pleasant Street to its intersection with Kirk Street where it turns to run west along the centerline of Kirk Street to the point of beginning at the intersection of Kirk Street and Malvern Avenue. (Ord. No. 5310, § 2, 1-3-05)

Editor’s note-Exhibit "1," referred to in this section is on file in the office of the city clerk.
16-7-4. Inspection; violations; penalty.

(a) All work performed pursuant to issuance of a certificate of appropriateness shall conform to the requirements of such certificate, and shall not deviate from the proposed construction, reconstruction, alteration, removal or restoration approved by the commission. In addition, all work performed shall conform to the requirements of all applicable building codes of the city. It shall be the duty of the building inspector to inspect from time to time any work performed pursuant to such certificate to insure compliance. In the event work is not performed in accordance with said certificate, the building inspector shall issue a stop work order and all work shall cease.

(b) Any person, firm or corporation who demolishes, alters, or constructs a building or structure in violation of this article shall be required to restore the building or structure and its site to its appearance prior to the violation. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty. (Ord. No. 3944, § 10, 3-21-88)

(c) The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, § 21, 3-5-01)

Cross reference—Violation of building and development codes - disconnection of water service, § 15-1-8.

16-7-5—16-7-10. Reserved.

ARTICLE II. STANDARDS AND ADMINISTRATIVE PROCEDURES

16-7-11. Certificate of appropriateness—Required; application; guidelines for issuance.

No building or structure, including windows, awnings, doors, signs, light fixtures, steps and paving or other appurtenant fixtures shall be erected, altered, restored, moved, or demolished within said historic district until after an application for a certificate of appropriateness as to the exterior architectural changes or new construction has been submitted to and approved by the historic district commission. A certificate of appropriateness shall have been issued by the commission prior to the issuance of a building permit or other permit granted for purposes of constructing or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. The commission shall promulgate and adopt bylaws defining the process to apply for a certificate of appropriateness.

This article applies to both owners of structures within the historic district and lessees or sublessees who, with the owner's permission, make application for a certificate of appropriateness to erect, alter, restore, move or demolish a structure. In the event a lessee or sublessee makes application for a certificate of appropriateness, such applicant shall provide an acknowledgment and consent, in writing, from the property owner authorizing the proposed construction, alteration, restoration, movement or demolition.
The historic district commission shall adopt and publish such guidelines as are necessary to implement the provisions of this article and inform property owners within the historic district and the general public of the criteria for reviewing an application for a certificate of appropriateness.

In making its determination, the commission shall consider, but not be limited to, the following criteria:

(a) Proposed alterations, restorations, new construction, moving or demolition in the historic district shall respect and relate to the special character of the district. Changes shall be evaluated on basis of:

1. The purpose of this article;
2. The architectural or historic value or significance of a building and its relationship to the surrounding area;
3. The general compatibility of proposed changes; and,
4. Any other factor, including visual and aesthetic, considered pertinent.

(b) Repairs considered as part of a building's ordinary maintenance are those that do not involve a change in design, material, color, or outer appearance thereof, as defined in section 16-7-1 of this article. These repairs shall not require a certificate of appropriateness.

(c) The commission shall encourage proposed changes which reflect the original design of the structure, based on photographs, written description or other historical documentation, and be guided by the following preferences:

1. It is preferable to preserve by maintenance rather than to repair original features of the building.
2. It is preferable to repair rather than to reconstruct if possible.
3. It is preferable to restore by reconstruction original features rather than to remove or remodel.
4. Contemporary design shall not be excluded from consideration.

(d) When evaluating the general compatibility of alterations to the exterior of any building in the historic district, the commission shall consider, but not be limited to, the following factors within the building's area of influence:

1. Siting;
2. Height;
3. Proportion;
4. Rhythm;
5. Roof area;
6. Entrance area;
These terms are defined in section 16-7-1, above.

(e) Additions to existing buildings, including installation of awnings or new signs, shall be judged in the same manner as new construction and shall complement the design of the original building, including exterior window sizes, door heights and ceiling heights, and should not interfere with any outstanding architectural feature. Decoration of the exterior should blend with, if not specifically match, existing exterior features such as window casements, window hoods, cornices, roof line, facade materials, foundation materials and types of windows. The authority of the central business improvement district (CBID) to review applications for signs and awnings is hereby abolished and vested exclusively in the commission.

(f) Generally, new construction shall be judged on its ability to blend with the existing downtown area and area of influence. The commission shall consider, but not be limited to, the factors listed for alterations in subsection (d) of this section.

(g) If a certificate of appropriateness is requested to demolish a building or other structure within the district, the applicant shall state the post-demolition plans for the site, and furnish detailed plans of the proposed reconstruction. (Ord. No. 3944, § 4, 3-21-88)

16-7-12. Evaluation of application; notice to property owners within area of influence; applications for demolition.

(a) Upon receipt of an application for a certificate of appropriateness, the historic district commission shall make a preliminary determination as to the properties, if any, which will be materially affected by any of the changes proposed in said application, which shall include all properties located within the area of influence of the property which is the subject of the application, as defined in the review guidelines adopted by the historic district commission. The commission shall forthwith send by mail, postage prepaid, to the applicant and to the owners of all such affected properties, a notice of hearing to be held by the commission on said application. Notices of the public hearing shall be mailed at least five (5) days prior to the hearing, and a notice of such hearing shall be published at least one time in a newspaper having circulation throughout the city at least five (5) days prior to the hearing. The cost of such notices shall be paid by the applicant. The commission shall conduct a hearing on an application within thirty (30) days of the date of application, assuming all notice requirements have been complied with. In the event the applicant obtains a written waiver of notice from owners of properties within the area of influence, no publication or mailing of notice of hearing shall be required.
(b) At the public hearing, the commission shall hear all persons desiring to present information regarding the application. After such public hearing, the historic district commission shall make its determination as to the appropriateness of the proposed change. The commission may immediately announce its decision or defer the matter to its next regularly scheduled commission meeting or reschedule the application for further consideration at such other public hearings as are deemed necessary or desirable in order to fully develop the facts and circumstances surrounding any one particular application. No application for a certificate of appropriateness for a purpose other than demolition shall be deferred at the instance of the historic district commission longer than thirty (30) days from the date of the first public hearing without consent of the applicant. Further, if the commission has rendered no decision on the application for a purpose other than demolition within thirty (30) days from the time of the first public hearing, unless the applicant has agreed to a further deferral or extension of time, the commission shall consider the application as having been approved and shall issue a certificate of appropriateness.

(c) If the application for a certificate of appropriateness involves the demolition of a building which the commission initially determines to be an inappropriate demolition, then notwithstanding said determination, the commission may defer the matter until such time as the commission has had an opportunity to consider the following alternatives to the demolition of subject property:

1. Sources of funding for preservation and restoration activities, if lack of such funds is the reason for the request to demolish.

2. Adaptive use changes, if there are conditions under which the required preservation of a historic landmark should cause undue hardship to the owner or owners, so long as such changes are in keeping with the spirit and intent of this article.

3. An attempt to find a purchaser for the property who would maintain the landmark in a suitable and acceptable manner within the limits of the historic district commission ordinance (this article).

4. Any such other solution as may be deemed advisable and in keeping with the spirit and intent of this article.

During the time the commission is considering any one of the alternatives hereinabove set out, progress reports shall be made by the commission and/or its staff at each regularly scheduled commission meeting. If, at the expiration of sixty (60) days from the date of the first public hearing of an application for demolition, the commission has not found a viable alternative to the demolition of the property, the commission shall reschedule the matter for public hearing requiring notices as aforesaid, and upon said public hearing, make its final determination as to the application. In such cases, the public hearing for final determination shall be held within thirty (30) days after the expiration of the sixty (60) days from the date of the first public hearing, and at the second public hearing, the commission may hear such matters as are considered necessary or desirable to fully advise the commission of all facts and
circumstances as then exist as they pertain to the proposed demolition. At the second public hearing
the commission shall immediately announce its decision. If the commission has rendered no decision
on the application for demolition within thirty (30) days after the expiration of the sixty (60) days
following the first public hearing, the commission shall consider the application as having been
approved and shall issue a certificate of appropriateness.

(d) In addition to considering the matters brought to the commission's attention and the
criteria hereinabove set out in section 16-7-11, the commission may determine that failure to issue a
certificate of appropriateness will involve a substantial hardship to the applicant, and notwithstanding
that it may be inappropriate, owing to conditions especially affecting the structure but not affecting the
historic district generally, such certificate may be issued without substantial detriment to the public
welfare and without substantial derogation from the intent and purpose of this division, and the
commission may approve such application and grant a certificate of appropriateness for the activity
proposed.

(e) The commission may seek technical advice from outside its members on any
application. The secretary of the commission shall, upon request, furnish a copy of any written
consultant's opinion to the applicant.

(f) If the commission determines that a certificate of appropriateness should not be
issued, it shall place upon its record the reasons for such determination and may include
recommendations respecting the proposed construction, reconstruction, alteration, restoration, or
demolition.

(g) No person shall be granted a building permit, demolition permit or other construction
permit by the city for new construction, or alteration, restoration, moving or demolition of the exterior
facade of any structure located within the historic district until all requirements of this article have
been complied with.

(h) The commission shall not consider interior arrangement or use of a building and shall
take no action with regard to interior arrangement or use. (Ord. No. 3944, § 5, 3-21-88; Ord. No. 4242,
§ 1, 7-20-92)

(i) No application for a certificate of appropriateness which has been denied wholly or
partly by the historic district commission shall be resubmitted for a period of one (1) year from the
date of said denial, except upon a showing of a substantial change in conditions found to be valid by
the historic district commission and demonstrated by a majority vote of the full historic district
commission. If the commission decides to reheat a case it shall require legal notification as required
for a new application. For purposes hereof, a change of ownership of the subject property shall not be
deemed to be a change of conditions. (Ord. No. 5678, §1, 9-16-08)

16-7-13. Exceptions.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any
exterior architectural feature in the historic district which does not involve a change in design,
material, or outer appearance thereof, unless the architectural element or sign to be repaired or
replaced does not comply with existing guidelines promulgated by the commission;
nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the Hot Springs board of directors or other agent of the city shall certify is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature under a permit issued by the city engineer or similar agent of the city prior to the effective date of the establishment of said historic district. Any permit issued prior to the effective date of the establishment of said historic district for demolition of a structure within the boundaries of the district may be renewed without review by the commission for a period up to three (3) years after the effective date. (Ord. No. 3944, § 6, 3-21-88)

16-7-14. Appeal.

Any applicant aggrieved by the determination of the commission may, within thirty (30) days after the making of such decision, appeal the determination of the commission to the chancery court of Garland County. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the reasons given for such determinations to be unsupported by the evidence or to be insufficient in law, and may make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive, but the applicant shall have all rights of appeal as in other equity cases. (Ord. No. 3944, § 7, 3-21-88)

16-7-15—16-7-20. Reserved.

ARTICLE III. HISTORIC DISTRICT COMMISSION

16-7-21. Creation.

There is hereby authorized and created a Historic District Commission pursuant to A.C.A. § 14-172-201 et. seq. The Historic District Commission shall consist of five (5) members who shall:

(a) Be appointed in accordance with the Board of Directors’ appointment policies and procedures as may now or hereinafter be established;

(b) Be electors of the City of Hot Springs;

(c) Hold no salaried or elective municipal office; and

(d) Receive no compensation.

16-7-22. Terms of office.

The appointment of membership on the commission shall be so arranged that the term of at least one (1) member will expire each year, and their successors shall be appointed in a like manner for terms of three (3) years. Vacancies shall be filled in like manner for the unexpired term. The commission shall elect a chairperson and vice chairperson annually from its own membership. No member shall serve more than three (3) consecutive terms or any part thereof.
16-7-23. Membership qualifications.

In addition to the qualifications listed in §16-7-21 hereof, the membership of the Historic District Commission shall be comprised as follows:

Positions One and Two Owners of real property, or officers or stockholders of owners of real property, or business owners, or officers or stockholders of businesses within the Central Avenue Historic District.

Positions Three and Four Owners of real property, or officers or stockholders of owners of real property, or business owners, or officers or stockholders of businesses within the Pleasant Street Historic District.

Position Five An architect who may, but is not required to be, an owner of real property, or officer or stockholder of an owner of real property, or business owner, or officer or stockholder of a business within either the Central Avenue or the Pleasant Street Historic District.

Upon the expiration of any given term or vacancy, should Position One, Two, Three or Four above remain vacant following diligent effort to seek a qualified candidate for a period of not less than six (6) months, the position may then be extraordinarily filled as an at-large position. Any person so appointed as an extraordinary at-large member may not be reappointed unless no applications are again received from otherwise qualified candidates as specified herein.

16-7-24. Duties.

The Historic District Commission is hereby authorized, to formulate and adopt design guidelines, adopt bylaws to govern their proceedings, subject to the approval of the Board of Directors, and take such other measures deemed appropriate to enforce the terms of the provisions of such historic district ordinance as may now or hereafter be adopted by the Board of Directors not inconsistent with the provisions of Arkansas Code Annotated Title 14, Chapter 172, Subchapter 2.
16-7-25. Appointment and terms of office.

In order to accomplish the intent of this ordinance, the appointment and terms of office of the current membership are hereby vacated as of March 31, 2009, and the new terms of appointment and expiration dates are established as follows:

<table>
<thead>
<tr>
<th>POSITION</th>
<th>APPOINTMENT DATE</th>
<th>TERM EXPIRATION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>April 1, 2009</td>
<td>April 1, 2010</td>
</tr>
<tr>
<td>Two</td>
<td>April 1, 2009</td>
<td>April 1, 2011</td>
</tr>
<tr>
<td>Three</td>
<td>April 1, 2009</td>
<td>April 1, 2011</td>
</tr>
<tr>
<td>Four</td>
<td>April 1, 2009</td>
<td>April 1, 2012</td>
</tr>
<tr>
<td>Five</td>
<td>April 1, 2009</td>
<td>April 1, 2012</td>
</tr>
</tbody>
</table>

(Ord. No. 5712, §§1-5, 2-3-09)
16-8-1. Sexually oriented business - Purpose and intent.

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law. (Ord. No. 4405, § 1, 7-18-94)

Cross references—Public nudity, § 4-8-2, curfew for minors, § 4-10-1; display of sexual materials to minors, § 4-8-1.

16-8-2. Sexually oriented business - Definitions.

(a) Adult arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" (j) or "specified anatomical areas" (k).

(b) Adult bookstore or adult video store. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" (j) or "specified anatomical areas" (k).

(2) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" (j).

(c) Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) persons who appear in a state of nudity; or

Editor's note—Ord. No. 4405 repealed Ord. No. 3938 formerly codified in this section. Ord. No. 3938 was rendered ineffective by Orrell vs. City of Hot Springs 844 SW 2nd 318, 311 ARK 381 (1992).
(2) Live performances which are characterized by the exposing of "specified sexual activities" (j) or "specified anatomical areas" (k); or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" (j) or "specified anatomical areas" (k).

(d) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized or distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" (j) or "specified anatomical areas" (k).

(e) *Adult theaters.* A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" (j) or "specified anatomical areas" (k).

(f) *Nudity or state of nudity.*

(1) The appearance of the bare human buttock, anus, male genitals, female genitals, or female breast.

(2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

(g) *Person.* An individual, proprietorship, partnership, corporation, association, or other legal entity.

(h) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region and or the female breast, as well as portions of the body covered by supporting straps or devices.

(i) *Sexually oriented business.* An adult arcade, adult booksore or adult video store, adult cabaret, adult motion picture theater, or adult theater whose inventory, merchandise, or performances are characterized by a preponderance of "specified sexual activities" (j) or "specified anatomical areas" (k).

(j) *Specified sexual activities.*

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse, or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
(k) **Specified anatomical areas.**

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areolae; and

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(l) **Residential district.** Any land within the corporate limits of Hot Springs zoned residential, mixed use Planned District (PD), Village District (VL), or any single family or multiple family residential use as defined by the Hot Springs Zoning Code. (Ord. No. 5369, §1, 7-18-05)

(m) **Conditional use.** A use which may be permitted in a zone where it is specifically listed, subject to the provisions of Chapter VI of the Hot Springs Zoning Code. (Ord. No. 4405, § 2, 7-18-94)

16-8-3. **Sexually oriented business - Classification.**

Sexually oriented businesses are classified as follows:

(a) adult arcade;

(b) adult bookstores or adult video stores;

(c) adult cabarets;

(d) adult motion picture theaters;

(e) adult theaters.

(Ord. No. 4405, § 3, 7-18-94)

16-8-4. **Sexually oriented business - Use permit required.**

All sexually oriented businesses shall be considered either a permitted or conditional use pursuant to the Hot Springs Zoning Code, and all sexually oriented businesses shall secure a use permit from the Hot Springs Planning Commission in accordance with the rules and regulations of said Code prior to opening a business or being issued an occupation license. (Ord. No. 5369, §2, 7-18-05)

**Cross references**-Occupation tax schedule, § 5-3-9.
16-8-5. Location of sexually oriented businesses.

(a) A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business in any zone where the premises thereof are located within 500 feet of:

(1) a lawfully established religious institution;

(2) a lawfully established public or private elementary, secondary or post-secondary school;

(3) a municipal park, municipal greenway or municipal recreational facility; or

(4) the historic confederate square located at the intersection of Central Avenue, Ouachita Avenue and Market Street.

(b) A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business in any zone where the premises thereof are located within 400 feet of the boundary of a residential zone, mixed use village district or mixed use planned district. Provided, however, that this restriction shall not apply to such businesses located within an M-1 or M-2 zone.

(c) A person commits an offense if he causes or permits the operation, establishment, or maintenance of a sexually oriented business within any of the following zones:

(1) a residential zone (R-1, R-2, R-3, R-4, and R-L);

(2) a planned district which includes residential units (mixed use PD);

(3) a village district (VL) which includes residential units;

(4) a local ordinance historic district; or

(5) inside the legislated boundary of the Hot Springs National Park.

(d) For the purposes of subsections (b) and (c) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises or zones described in subsections (b) and (c) hereof.
(e) The attached map entitled, “Ordinance 4405-MAP 003, dated July 6, 2005,” is hereby adopted and made a part hereof. Said map being subject to application of the setbacks enumerated above on a case-by-case basis. Provided, further, that said map may be revised annually to illustrate zoning changes and known additions, expansions, reductions or deletions of churches, schools, or parks occurring since the last revision. (Ord. No. 5624, §1, 1-8-08)

(Ord. No. 5369, §3, 7-18-05)

Editor's note—Ordinance 4405-MAP 003 is on file in the Office of the City Clerk.

Cross reference—Zoning, § 16-2-1 et seq.

16-8-6. Non-conforming sexually oriented business.

A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the application of the restrictions stated in Section 4 hereof due to the subsequent location of an establishment or facility described therein or the subsequent re-zoning of property into an otherwise prohibited zone. This provision applies only to an ongoing sexually oriented business and not to a sexually oriented business that has been terminated for any reason or discontinued for a period of ninety (90) days or more. (Ord. No. 5369, §4, 7-18-05)

16-8-7. Penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. In addition, a person who operates or causes to be operated a sexually oriented business in violation of section 16-8-4 will be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 4960, § 27, 3-5-01)
THIS PAGE LEFT BLANK INTENTIONALLY
CHAPTER 9
LANDSCAPE REGULATIONS

16-9-1. Short title.

This Code shall be known as the Hot Springs Landscape Code.

16-9-2. Purpose and intent.

The purpose and intent of this Code is to promulgate the health, safety and general welfare of the citizens of the city of Hot Springs National Park through the establishment of reasonable standards for the preservation, planting and care of natural vegetation and introduced landscaping. Through these standards, this Code advances the following objectives of the city’s comprehensive plan:

(a). Promotion of responsible land use design and development,

(b). Protection, conservation and regeneration of a natural, renewable resource;

(c). Expansion of tourism and economic base by improving the ambiance and beautification of the city;

(d). Protection of public and private property values and enhancement of neighborhoods by means of landscape buffering and screening; and

(e). Mitigation of noise, glare, erosion, sedimentation and storm water runoff.

(f). To improve air quality and reduce energy costs.

(g). To encourage green development.


For the purposes of this Code, certain words and terms used herein shall be interpreted as defined below. Words in a plural number include the singular number; words in the singular number include the plural number and the word shall when used in the Code is always mandatory.
(a) Back of development: That area constituting the area of the property not facing a main thoroughfare, representing at least 50% of the property area.

(b) Board of adjustments and appeals: Any references to a board of adjustments and appeals shall mean such appeals board as may now or hereafter exist and be designated by the board of directors to serve in that capacity for the purposes of this code. (Ord. No. 5541, §1, 2-5-07)

(c) Buffer: A pervious area of land together with planting and screening that is designed to minimize or eliminate conflicts between dissimilar land uses.

(d) Caliper: A standard measuring term for young trees. The caliper is the diameter of the cross section of the trunk. For trees up to and including 4" caliper, the measurement is taken 6" above ground line. For trees larger than 4" caliper, the measurement is taken 12" above ground line.

(e) Clump: A grouping of three or more trees of 8" DBH or greater that are separated by a distance of not more than twelve (12) feet between individual trees and whose protected root zone and understory are undisturbed.

(f) Canopy tree: A perennial woody plant, deciduous or evergreen, single or multiple trunks, that contributes to the uppermost spreading branchy layer of a forest and that is commonly referred to as a shade tree. Canopy tree may also be called large class tree.

(g) Diameter at Breast Height (DBH): The diameter of a tree measured at a point 4 and ½ feet above the ground.

(h) Dripline: The outside edge of the area underneath a plant which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the plant.

(i) Front half of development: That area constituting the area of the property facing a main thoroughfare, representing at least 50% of the property area.

(j) Introduced plant: Any non-existing plant that is added during the development of a property.

(k) Landmark Trees 24” DBH or greater: Any tree located on public grounds; listed with the state or national registry; or cited in the city's tree registry as being historically significant, by age, species, form, or location.
Native plant: Any plant species with a geographic distribution indigenous to all or part of the state.

Root protection zone (critical root zone): The root protection zone for a shrub shall be the area contained by the shrub’s drip-line. The root protection zone for a tree shall be the area defined by a concentric circle with a radius equal to the diameter of the trunk in inches at breast height by 1 foot but no less than 100 square feet. Planting or open ground areas shall be located so that the trunk of any preserved tree is as close to the center of the open ground area as possible, and in no case shall the trunk be closer than 1/3 of the maximum dimension of the designated open ground area to any edge of that area.

Sight triangle: The triangular-shaped area on either side of an intersection of traffic lanes and/or access ways within which clear visibility for traffic and pedestrians shall be maintained. The sight triangle is the area formed by extending lines 25 feet along each of the two intersecting lanes and/or access-ways connected by a third line.

Tree preservation: To conserve and protect to the greatest extent possible the city's existing trees, wooded areas, and fence rows.

Tree preservation area: The area of a parcel of land in which all trees shall be protected during all phases of construction.

Tree preservation plan: A proposal which includes a tree survey and a written plan with text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction, and methods for ongoing maintenance, including fertilizing and pruning.

Tree preservation zone: An area designated on a subdivision plat with restrictions noted regarding the removal of trees.

Tree survey: A graphic display drawn to scale, not to exceed 1" = 50', showing all existing trees on a site with a six-inch DBH or greater. The tree survey shall include species, conditions, and contain the outline of the critical root zone of each such tree.

Turfgrass: Any of several grasses grown specifically as lawns including but not limited to Bermuda grass, zoysia, centipede, turf-type tall fescues and buffalo grass.
(u) **Vehicular use area**: That area of private development subject to vehicular traffic, including access-ways, loading and service areas, areas used for parking or storage of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of primary use.

(v) **Walls**: Generally a solid structure to define and sometimes protect an area.

### 16-9-4. Applicability.

This Code applies to all building projects and vehicular use areas as follows:

(a) The requirements herein shall not apply to:

1. Detached single family and duplex structures.
2. Structures as they exist on the effective date of this Code.
3. Proposed structures on projects with development and/or site plans approved prior to the effective date of this ordinance.
4. Minimal expansion or addition to existing structures that is no more than 30% in area and no more than 5000 square feet.
5. Proposed structures or expansions or additions to existing structures on property that is zoned C-1, Central Business District, according to the Zoning Code.

(b) The requirements herein shall apply to:

1. All new nonresidential structures and multifamily residential structures (excluding duplex structures) 1000 square feet in area and larger.
2. The new structure portions of an expansion or addition to a structure existing at the effective date of this Code that increases the area of the structure more than 30% in area or 5,000 square feet, whichever is less.
3. New or expanded vehicular use area including parking lots as calculated upon number of additional parking spaces.
16-9-5. Requirements.

(1) All plant material shall be No. 1 grade, free from mechanical damage, free from plant diseases and insects, of typical growth for the species, have a healthy and firm root system, and shall conform to the standards set forth in the current addition of the American Standard for Nursery Stock.

(2). Improvements shall be arranged so that trash containers, loading docks, outdoor storage areas, vehicle use areas and mechanical equipment are screened from view from abutting properties and streets.

(3) Plantings used for screening shall be evergreen varieties.

(4) No landscape improvements that would impede visibility shall be located in sight triangles.

(5) Raised concrete curbing or other devices such as wheel stops shall be placed around the base of all planting areas that contain trees and/or shrubs placed within 5’ of abutting parking spaces.

(6) Landscape areas within vehicle use areas shall be at a minimum equivalent to the size of a parking space and not less than 9’ wide including curbing at the narrowest point excluding radii provided for vehicle accessibility.

(7) Plantings whose mature height exceeds 15’ shall not be planted beneath overhead utility lines.

All applicable development shall comply with the following landscape and buffer and miscellaneous requirements:

(a) Landscape requirements – Landscaping requirements shall be determined by the point system shown below.

Point system – The point system determines landscape requirements by first calculating the number of required points for the development. Landscape improvements are assigned point values and the point values are then summed. The development satisfies the landscape requirements if the cumulative points provided by the landscape improvements are equal to or exceed the required number of points. The specific point system requirements are as follows:

1. The number of required points for a proposed structure or expansion to an existing structure shall be calculated by multiplying the number of actual off-street parking spaces to be provided on the plan by 100 point per space. (The minimum number of required off-street parking spaces is established by the Zoning Code.)
2. The required number of points above shall be satisfied by landscape improvement according to the schedule in Table I.

3. A minimum of forty percent (40%) of the required points shall be through preservation or planting trees.

4. The landscape improvements shall be located so that a minimum of fifty percent (50%) of the required points are located in vehicular use areas or within twenty feet (20’) of vehicular use areas.

### Table 1

**LANDSCAPE IMPROVEMENTS POINTS SCHEDULE**

<table>
<thead>
<tr>
<th>Landscape improvement</th>
<th>Points per unit</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TREES &amp; TREE PRESERVATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Front half of development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing trees (in clumps) – greater than 8” caliper</td>
<td>500</td>
<td>each tree in clump</td>
</tr>
<tr>
<td>Existing trees – greater than 8” caliper</td>
<td>400</td>
<td>each</td>
</tr>
<tr>
<td>Existing trees – 2”-8” caliper</td>
<td>200</td>
<td>each</td>
</tr>
<tr>
<td>Introduced canopy trees-2” and greater in caliper</td>
<td>150</td>
<td>each</td>
</tr>
<tr>
<td>Introduced canopy trees – 1” to less than 2” caliper</td>
<td>50</td>
<td>each</td>
</tr>
<tr>
<td>B. Rear half of development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing trees (in clumps) greater than 8” caliper</td>
<td>250</td>
<td>each tree in clump</td>
</tr>
<tr>
<td>Existing trees – greater than 8” caliper</td>
<td>200</td>
<td>each</td>
</tr>
<tr>
<td>Existing trees-2”-8” caliper</td>
<td>100</td>
<td>each</td>
</tr>
<tr>
<td>Introduced canopy trees-2” and greater in caliper</td>
<td>75</td>
<td>each</td>
</tr>
<tr>
<td>Introduced canopy trees – 1” to less than 2” caliper</td>
<td>50</td>
<td>each</td>
</tr>
<tr>
<td>C. Landmark trees</td>
<td>800</td>
<td>each</td>
</tr>
</tbody>
</table>
SHRUBS

Existing shrubs – 3” minimum heights 40 each
Introduced shrubs – 15 gallons or larger* 30 each
Introduced shrubs – 10 gallons* 20 each
Introduced shrubs – 5 gallons* 10 each
Introduced shrubs –< 5 gallons* 2 per gallon per shrub

*for balled & burlapped shrubs, the point value shall be determined by the container size of an equivalent size shrub

GROUNDCOVERS & PAVING

Existing groundcovers, herbs and/or grasses 40 100 square feet
Introduced groundcovers or flowers 40 100 square feet
Introduced turf grass 5 100 square feet
Flagstone 100 100 square feet

MISCELLANEOUS

Irrigation 15 per 100 square feet

(b) Buffer Requirements - The buffer requirements are designed to provide space for landscape improvements for the separation and visual screening between dissimilar land uses and public thoroughfares. The requirements of this section apply to new development only and do not apply to applicable expansions or additions as defined in §16-9-4, Applicability, in the Code. The specific land use and thoroughfare buffer requirements are as follows:

(1) All new developments shall provide land use buffers according to Table II. If the property adjacent to the developing property is vacant or undeveloped, then the Adjacent Property Type shall be the type corresponding to the most intense permitted use allowed in the zoning district of the adjacent property.

(2) All new developments shall provide thoroughfare buffer as follows:

<table>
<thead>
<tr>
<th>Thoroughfare Type</th>
<th>Thoroughfare Buffer Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Highway</td>
<td>10’</td>
</tr>
<tr>
<td>Arterial</td>
<td>10’</td>
</tr>
<tr>
<td>Collector</td>
<td>5’</td>
</tr>
<tr>
<td>Local Street</td>
<td>5’</td>
</tr>
</tbody>
</table>

(3) Landscape improvements in land use and thoroughfare buffers shall Count toward § 16 -9- 5, Requirements, in this Code.
HOT SPRINGS CODE
LANDSCAPE REGULATIONS

Table II
LAND USE BUFFERS

<table>
<thead>
<tr>
<th>Developing Property Types</th>
<th>Adjacent Property Types</th>
<th>Single Family/Duplex Residential</th>
<th>Multifamily Residential</th>
<th>Commercial (C1 zoning)</th>
<th>Commercial (other than C-1 zoning)</th>
<th>Manuf./Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family/Residential</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>10’</td>
<td>-</td>
<td>10’</td>
<td>10’</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>C-1 Central Business District Zone</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>10’</td>
</tr>
<tr>
<td>Commercial (other than C-1 Central Business District Zone)</td>
<td>10’</td>
<td>10’</td>
<td>-</td>
<td>-</td>
<td>10’</td>
<td></td>
</tr>
<tr>
<td>Manufacturing/Industrial</td>
<td>30’</td>
<td>30’</td>
<td>10’</td>
<td>10’</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

16-9-6 Reserved

16-9-7 Tree and shrub preservation.

A major objective of the Code is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. Preserved trees and shrubs, therefore, are given higher values toward landscape requirements than introduced trees and shrubs. To qualify for landscape, buffer and screening requirements, the following measures shall be required for preserved trees and shrubs:

(a) Protective fencing or other construction barrier shall be placed at and completely encompass the root protection zone of all preserved plants prior to site preparation and construction. Protective measures shall remain in place and maintained until completion of development.

(b) Any tree whose root protection zone will be affected by soil removal shall have roots cleanly and properly pruned at a point at least 1’ outside the construction barrier installed as required above.
The following shall be prohibited within the root protection zone of any preserved plant:

(1) Grading and excavation which involves cutting, filling, or trenching.

(2) Pouring of any material which is toxic to plants.

(3) Installing, depositing, placing storing, or maintaining any stone, brick, sand, concrete, or other materials which may impede the free unobstructed growth of or passage of water, air and fertilizer to the roots.

(4) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any preserved plant for any reason.

(5) Causing or encouraging any fire or burning of any kind near or around any plant.

(6) Parking construction or passenger vehicle of any type

Plants in such close proximity that temporary arrangements are needed for access through protected areas shall be permitted only after one (1) of the following measures is installed. At no time will encroachment be more than 1/3 of the root protection zone.

(1) Construct a bridge of railroad ties and street plates. Railroad ties shall be positioned radially without crossing major roots.

(2) Spread mulch or wood chips to maintain a thickness of 4 to 12 inches. If equipment is heavy or frequency of use is regular, then thickness will be maintained at 12 inches. When temporary access is no longer required, mulch will be removed back to original grade.

16-9-8 Application, review, permitting and inspection procedures.

The following procedures shall be used for application, review and permitting of the requirements in this Code:
(a) Prior to landscape work beginning a landscape plan for all applicable developments as defined in § 16-9-4, Applicability, of this Code shall be submitted and shall include, at minimum, all of the following information.

(1) Name and address of the development, name and address of the owner and/or developer, name and address of landscape plan preparer, date of preparation, graphic and written scale, north arrow.

(2) Names of abutting streets and general topography (existing and finish) of site if not indicated on separate civil plan.

(3) Property and/or lease lines with dimensions and courses.

(4) Phasing lines if the development is to be constructed in stages.

(5) Footprint of existing and proposed buildings, sidewalks, vehicular use areas and trash containers.

(6) Location, size, quantity, spacing and species of plantings and other landscape improvements.

(7) Location, size, species and condition of preserved trees and shrubs with notation as “preserved” and location of corresponding root protection zones. Tree fencing and/or other method of protection during construction shall also be indicated.

(8) Note if irrigation is to be provided and, if so, dimensions of area(s) to be irrigated.

(9) Schedule or table of improvements and preserved trees and shrubs that demonstrates how landscape points are to be met.

(b) Review – Upon receipt of a landscape plan, the director of planning and development or their designee shall review the plan and provide the applicant with a written summary of the review. If necessary to demonstrate compliance with this Code the applicant shall make revisions to the landscape plan and resubmit for additional review.

(c) Permitting – When compliance with this code has been determined a landscape permit shall be issued to the applicant.
(d) Inspection – When work is complete the applicant shall request inspection of landscaping installed.

(e) Timing of tree planting – Should occupancy occur between the months of June through August the owner may provide a letter of credit, bond, escrow deposit or other fiscal arrangement satisfactory to the city to cover the completion of requirements. If the applicant fails to complete the requirements the city shall have the right to draw upon the letter of credit, bond, escrow deposit or other fiscal arrangement to complete the requirements herein.

(f) Compliance with this code shall be achieved prior to occupancy of any portion of any development as defined in § 16-9-4, Applicability, of this Code.


The developer, owner, tenant and/or agent shall jointly and severally be responsible for the maintenance of landscape improvements and other requirements of this Code. The requirements of the Code shall be maintained according to the following:

(a) All landscaping shall be maintained in a neat and orderly manner.

(b) Preserved plants which die within five years of development shall be replaced by introduced plants with corresponding point values or credits.

(c) Introduced plants which die or are in poor condition shall be replaced with plants of similar variety and size.

(d) Although not mandatory, pruning should be done according to International Society of Arboriculture ANSI A300 part 1: pruning standards.

(e) Broken, malfunctioning, or misdirected irrigation lines or heads shall be replaced or repaired promptly to ensure adequate irrigation and prevent waste of water.

(f) Fencing, permeable paving and other non-plant landscaping improvements shall be maintained in as close to installation conditions as possible.

Any applicant who desires a variance to the requirements herein or who desires to appeal an interpretation of the Code by the city manager’s designee shall file a written appeal with the city manager’s designee for consideration by the board of adjustments and appeals. The board of adjustments and appeals shall have the authority to grant an interpretation or variance to the requirements of this Code. In granting any variance, the board of adjustments and appeals shall determine that a literal enforcement of the regulations herein will create an unnecessary hardship or practical difficulty on the applicant, that situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, and that the granting of the variance will be in harmony with the spirit and purpose of this Code (Ord. No. 5531, §2, 2-5-07)

Cross reference—§15-1-10, Board of adjustments and appeals.


A handbook will be available from the City that provides landscaping information for the Garland County area. The handbook is not part of this Code. The handbook provides beneficial tips on landscape planning, tree preservation, recommended plant lists, planting guidelines, pruning, etc.

16-9-12. Administrative Authority.

The city manager’s designee is the administrator of this code.


The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(Ord. No. 4960, § 28, 3-5-01)

(Ord. No. 5995, §1, 2-18-2014)