

STUTT GART UNIFIED DEVELOPMENT CODE

ARTICLE 1, GENERAL PROVISIONS

Title, Purpose, Authority, Application and Definitions

Section 101. Title

Stuttgart Unified Development Code (UDC)

This ordinance, in accordance with the authority granted by the State of Arkansas in TITLE 14, CHAPTER 56 of the *Arkansas Code of 1987 Code Annotated as amended (A.C.A.)*, shall be known and may be cited as Article 1 of the Stuttgart Unified Development Code.

Section 102. Purpose

The regulations contained herein were developed in accordance with a comprehensive land-use planning program for the orderly growth and development of the City of Stuttgart. The Stuttgart Unified Development Code (UDC) is specifically aimed at protecting the public health, safety, morals, and the general welfare of the citizens of the City. The regulations are necessary to:

- encourage the most appropriate use of land;
- to reduce fire hazards and to improve public safety;
- to decrease traffic congestion and its accompanying hazards;
- to prevent the undue concentration of population;
- to lay a proper foundation for the reasonable termination of land use activities which are not in conformance with the City's long-range land use plans;
- to regulate and assure a comprehensive and stable pattern of land uses;
- to maintain and stabilize property values; and
- to develop an efficient and effective basis upon which to provide services for water supply, sanitary and storm sewer systems, pedestrian and automobile circulation, schools, parks, and other public facilities.

Section 103. Authority

The provisions set forth in these regulations have been prepared in accordance with the authority granted by the legislature of the State of Arkansas, as provided by Act 186 of 1957, as amended.

Section 104. Application of the Unified Development Code

This ordinance classifies and regulates the use of land and structures within the city limits and territorial jurisdiction of the City of Stuttgart, as hereinafter set forth. Except as hereinafter provided, no land may be used and no structure may be erected, constructed, moved, altered, enlarged, or rebuilt unless it will be used and maintained in accordance with the requirements established for the district in which the structure is to be located, and in accordance with the provisions of this ordinance as they pertain to districts.

Section 105. Jurisdiction

The City's planning jurisdiction is the area within the corporate boundaries as well as the planning area extending one (1) mile beyond the corporate boundaries, as filed with the City Clerk and Arkansas County Circuit Clerk's office. Such planning area boundary description may be modified from time to time in accordance with Arkansas State Law.

Section 106. Relationship to Previous Development Ordinances

The UDC shall be considered a restatement of previously adopted development ordinances and not a new enactment unless otherwise specifically provided. Any situation that was considered nonconforming under the ordinances previously in force does not achieve lawful, conforming status under this chapter merely by the repeal of the previous ordinances to enact the UDC.

Section 107. Relationship to Other Provisions of the Code of Ordinances

The use of buildings and land shall be subject to all other applicable provisions of the Code of Ordinances of Stuttgart regardless of cross references within the UDC. Cross-references to other provisions of the Codes of Ordinances are for the convenience of the reader. Lack of a cross reference shall not be construed as an indication that other provisions of the Codes of Ordinances do not apply.

Section 108. Relationship to the Municipal Comprehensive Plan

The UDC and all its articles shall strive to be in accordance with the goals, objectives, and Future Land Use Plan of the current comprehensive municipal plan as adopted by the City Council. *See Section 115.*

Section 109. Conflicts

- A. UDC/Other Code Requirements. The provisions of the UDC shall be held to be minimum requirements. Where requirements of the UDC are at variance with other requirements within the Codes of Ordinances, the highest or most restrictive requirement shall apply.
- B. UDC/UDC. Where a conflict arises between one section of the UDC and another section of the UDC, the most stringent section shall apply.
- C. UDC/Private Agreements. The UDC is not intended to nullify any private agreements: deed restrictions, covenants, easements or other private agreements, on the use of land. Where the UDC is more restrictive or imposes higher standards than the private agreement, the UDC shall control. Where the provisions of a private agreement are more restrictive or impose higher standards than the UDC, the provisions of the UDC shall be implemented and enforced by the City and the private restrictions shall be implemented and enforced under the terms of the private agreement. Private agreements shall not be enforced by the City.
- D. A.C.A Amendments. Whenever any provisions of the UDC refers to or cites a section of the *Arkansas Code of 1987 Annotated as amended (A.C.A)* which is later amended or superseded, the UDC shall be deemed amended or superseded in accordance therewith.

Section 110. Rules of Construction

- A. City: The words “the City” or “this City” shall be construed as if the words “of Stuttgart” followed it and include its officers, agents and employees.
- B. City Council: Whenever the words “City Council” are used, they shall be construed to mean “City Council of the City of Stuttgart”.
- C. Commission: Whenever the words “Commission” or “Planning Commission” are used, they shall be construed to mean “Stuttgart Planning Commission”.
- D. Computation of Time: Whenever a notice is required to be given or an act to be done, or in computing a certain length of time before any proceeding shall be had, the day on

which such notice is given, or such act is done, shall not be counted in computing the time, but the day of which such proceeding is to be had shall be counted.

- E. County: The words “the County” of “this County” shall mean the “County of Arkansas”.
- F. Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations.
- G. Number: A word importing the singular number only may extend and be applied to the plural.
- H. Or/And: “Or” may be read “and,” and “and” may be read “or” if the sense requires it.
- I. Owner: The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, or the whole or a part of such building or land.
- J. State: The words “the State” shall be construed to mean the “State of Arkansas”.
- K. Time: Words used in the present or past tense include the future as well as the present and past.
- L. Tense: For the purpose of these regulations, words used in the present tense include the future tenses; words used in the singular number include the plural, and words in the plural include the singular, except where the natural and obvious construction of the writing indicates otherwise.
- M. The word “shall” is mandatory in every instance. The word “may” is discretionary.
- N. For purposes of this ordinance, certain terms and words are to be interpreted as defined herein or in a dictionary in general usage.

Section 111. No Warranty Implied

Nothing contained herein shall be construed or interpreted to constitute a warranty by the City of the compliance of any person or persons with the provisions of the UDC. No word, phrase, or paragraph contained herein shall be interpreted or construed to waive that tort immunity as set forth under Arkansas law.

Section 112. Compliance

Any permit, certificate, etc., which is issued in compliance with the regulations set forth in this UDC, is issued only for the stated purpose. No other use, arrangement, construction, etc. is authorized. Any use at odds therewith shall be a violation of this UDC.

Section 113. Severability

Should any portion of this Ordinance be held for any reason to be invalid or unenforceable, the same will not be construed to affect any other valid portion thereof, but all valid portions will remain in full force and effect.

Section 114. Penalty for Violation

The owner which is found to be in violation of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). Prior to the filing of a charge for violation of this Ordinance, the owner or occupant shall be given written notice to remedy the non-compliance within twenty (20) days. After issuance of a citation for violation of this ordinance, each additional ten (10) days of non-compliance shall constitute a separate offense.

Section 115. Definitions

The following definitions are to be used in the application of this UDC. They are terms that are accepted in standard planning and zoning usage. If a word or term is not defined herein, a definition from a dictionary in general usage shall be applied.

Accessory apartment: A single dwelling unit, which is clearly secondary and accessory to the main dwelling unit on a residential lot, and containing not more than one thousand (1,000) square feet of habitable floor area.

Accessory use: A land use activity that is customarily incidental, appropriate and subordinate to the principal use of the land or buildings located upon the same premises.

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

Addition, subdivision: Another name for a division on land

Agriculture: The use of land for farming, dairying, pastures, beekeeping, plants, flowers, grapes, animal and poultry husbandry, and the necessary accessory uses for the packing, crating, or storing of produce; provided, however, the operation of any such accessory use must be secondary to that of the normal agricultural activities. The operation of commercial feedlots, sales yards and auction yards for cattle, hogs, or sheep, is considered an industrial land use activity.

Agricultural products processing A facility that involves the operation of processing, preparing or packaging agricultural products that are not grown on the site.

Airport or landing field: A landing facility for fixed- or rotary-winged aircraft containing a minimum of sixty (60) acres, subject to the federal aviation agency's requirement of safety and applicant's securing air space utilization from the federal aviation agency.

Alley: A public or private right-of-way passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Ambulance service: A facility established to transport infirm or injured persons from one place to another by means of the appropriate vehicle or aircraft. This use consists of all services related to provision of ambulance service including, but not limited to: administration, operations, dispatch, communications, vehicle maintenance, eating facilities and storage and crew sleeping quarters.

Amusement, commercial (inside): An amusement enterprise *wholly* enclosed in a building, including, but not limited to, a bowling alley, billiard parlor, or a facility intended for dancing whether or not a fee is charged for admittance.

Amusement, commercial (outside): Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open, including, but not limited to, a golf driving range, archery range or miniature golf course.

Animal/veterinary clinic (enclosed): A facility, without outside runs, for the diagnosis and treatment of pets and other animals including, but not limited to, dogs, cats, birds and horses. No outdoor boarding of these animals shall be allowed overnight.

Animal pound or kennel: A public or private facility including outside runs for enclosure of animals, stray or unlicensed pets, or for pets being boarded for short period of time.

Antique shop with repair: An establishment offering for sale articles such as glass, china, furniture or similar furnishing or decorations which have value and significance as a result of age, design or sentiment. This use shall include as an ancillary activity, the refinishing, repair or re-upholstery of furniture or other antiques sold or displayed for sale on the premises. Enclosure of use required and limited to ten (10) percent of gross floor area.

Apartment building: A dwelling designed for occupancy by three or more families living independently of each other, exclusive of trailer camps, mobile home parks, hotels and motels.

Appliance sales, service and rentals: A shop for the sale, rental or repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items.

Applicant: The owner of land proposed to be developed, subdivided, or his duly appointed agent or representative.

Application for Development: Every application, whether tentative, preliminary, or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Authorized agent: A person designated by the landowner to act in his behalf.

Auction, general merchandise: The public sale of merchandise, equipment, or other physical goods to the highest bidder. This use is not restricted to closed buildings and may be conducted part-time or open air provided all other provisions of this chapter are met.

Automobile: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, busses, vans, motor scooters, and motorcycles.

Automobile auction: A facility for the sale of automobiles to the highest bidder.

Automobile glass or muffler shop: A facility for installation or replacement of auto glass and mufflers.

Auto painting or body rebuilding shop: A facility for restoring auto bodies (*define*), painting or refinishing.

Automobile parts and accessory sales with limited motor vehicle part installation: A facility primarily for the sale of auto parts with the accessory functions of installation of parts. Part installation is limited to such functions as tire mounting and other periodic parts maintenance. Engine rebuilding or major repair work is prohibited.

Automobile or motorcycle display, sales or service: A facility for display, service and sale of new or used automobiles, motorcycles, recreational vehicles and trailers. **Auto rental or leasing (no service, sales or repair):** A facility limited to an office space, with display of automobiles which for a fee are rented or leased.

Auto repair garage: A facility for major motor vehicle repair, excluding body rebuilding.

Automobile salvage or wrecking Yard: A parcel of land where motor vehicles are disassembled, dismantled, junked or wrecked, or where motor vehicles not in operable condition and used automobile parts are stored. (See Junkyard)

Automobile service station: Any parcel of land, including the structures thereon, used for the sale of gasoline, oil, or other fuels, and automobile accessories, and which may include facilities for lubricating, washing, cleaning, mechanical repair, and other normal servicing of automobiles and excluding body rebuilding.

Automobile or truck rental and leasing: A facility which for a fee provides automobiles, trucks and trailers for rent or lease. This may include ancillary activities, such as: repair, maintenance, washing and sales of used units.

Automobile wash: A facility designed primarily for washing automobiles.

Bakery or confectionery shop (retail): A place for baking or selling baked goods, or a place for preparing, cooking, making or selling candy or other sweets.

Bank, branch bank, or similar institutions: A facility which has as its primary purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds, including drive-in facilities and automatic teller machines.

Bar, lounge or tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other alcoholic beverages, and where any food service is secondary alcoholic beverages and where the sale of said beverages constitute more than fifty (50%) of the business income of that establishment.

Barber or beauty shop: A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures, tanning or related services are performed.

Basement: A story fully or partly underground and having up to one-half its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

Bed and breakfast house: An owner occupied single-family residence which contains not more than five (5) guest rooms which for a fee may be occupied by a guest for no longer than fourteen (14) consecutive days with or without meals for compensation.

Beverage store: A facility for the sale of beer, wine or liquor not for on-premises consumption.

Bill of Assurance: A legal document specifying the covenants and restrictive conditions applicable to a particular property. Note: may be referred to as deed restrictions or restrictive covenants.

Block: A parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof. Block length shall be measured along the centerline of a street between centerlines of intersecting streets.

Buffer: A permanent natural or landscaped area serving to separate two (2) different land uses or developments. It may be in the form of a strip of land lying parallel and adjacent to a property line common to a dissimilar use of a more restrictive nature. The purpose of this buffer is to provide for minimum livability and maximum required visual screening and physical separation of uses of a dissimilar nature.

Buildable area: That portion of a lot upon which buildings may be placed, excluding required yards and limited by the maximum building coverage as specified for each zoning district.

Building: A constructed structure designed to stand more or less permanently, covering a space of land, covered by a roof and enclosed by walls, and serving as a shelter for the intended occupancy. For the purposes of this definition, all porches, carports, patios or other similar attachments to a building shall be deemed to be part of the building.

Principal: A building in which the primary activity associated with the lot is conducted. In any residential zoning district, any dwelling will be considered the principal building.

Accessory: A building customarily incidental and subordinate to the principal building located on the same lot, specifically:

- (1) Is subordinate to and serves a principal building or principal use.
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served.
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.
- (4) Is located on the same platted lot as the principal building or principal use.
- (5) Does not contain a use that would constitute a principal use of the land if separately sited.

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

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

Building coverage: The percent of the lot area covered by the building inclusive of all overhanging roofs.

Building, enclosed: A structure which by design and construction provides a solid roof, and walls on all sides.

Building façade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one (1) side to the other side of the building.

Building height: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. This definition shall not include church steeples, bell towers, chimneys, or other similar structural embellishments.

Building (setback) line: The line within a property which defines a minimum horizontal distance to be provided between a building and the adjacent property line or street right-of-way. No building or structure may be permitted in the area between the building line and the adjacent property line or street right-of-way line. *Cross-reference with definition of Yard.*

Building site: A single parcel of land occupied or intended to be occupied by a building or structure.

Building material sales: A facility for the sale of material and hardware to be used for the construction, renovation, remodeling or other alteration of principal or accessory buildings.

Bulk storage of highly flammable and/or hazardous materials: All materials and substances which are designated or defined as hazardous or flammable by state or federal law or regulation.

Bus or truck storage or garage: A facility in which currently licensed buses or trucks are stored or repaired.

Bus station and terminal: A facility on a common carrier line for bus docking, freight storage, and passenger loading and unloading. This shall not be construed to include passenger shelters which may be located on a local bus route.

Butcher shop: A facility for dressing and preparing animal carcasses for sale as smaller unit purchases. This use is entirely enclosed.

Cabinet and woodwork shop: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Camera sales and service: A retail shop which sells and services photography items including cameras, film, photographic paper, auxiliary lenses, photo finishing, photo finishing material, projection equipment and other related items.

Carport: A permanent roofed structure open on at least two sides, designed for the parking and shelter of private passenger vehicles.

Car wash: A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and which is installed solely for the purpose of washing and cleaning automobiles.

Catering/home cooking: The preparation, delivery and serving of foods, condiments and the utensils or containers used in such activities. This use shall provide for the serving and consumption of the prepared meals off-site. Enclosure of use is required.

Cemetery or mausoleum: A place or ground designated for burial of the dead. A mausoleum is a building with places for entombment of the dead.

Certificate of Occupancy: A document issued by the City allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable codes and ordinances.

Childcare center: Any place, home or institution which receives three or more children under the age of sixteen 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 does not include public and private schools organized, operated or approved under the laws of Arkansas, custody of children fixed by a court of appropriate jurisdiction, children related by blood or marriage within the third degree of the custodial person, 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 and related uses: A place of worship and religious training and including accessory facilities for staff offices, housing (such as a rectory), or family life centers, or recreational facilities.

City Council: The governing body of the City of Stuttgart, Arkansas.

Clinic: medical, dental, optical, health care services: A facility for the examination, consultation and treatment on an outpatient basis; provided however, that patients are not kept overnight except under emergency conditions, including and may include offices, laboratories and outpatient facilities

Code Enforcement Officer: The individual or individuals officially designated by the Mayor and/or the Stuttgart City Council as the municipal staff member(s) responsible for monitoring and implementing the terms of this Ordinance.

Clothing store: A retail facility for selling or renting male or female apparel.

College dormitory: A college residence hall providing sleeping rooms.

College, university or seminary: A college or university is an academic institution of higher learning beyond the level of public, parochial, elementary or secondary schools. A seminary is an institution for the training of candidates for the priesthood, ministry or rabbinate.

Communications, receiving or transmitting towers and facilities: A facility for the relay of audio or video communications where the principal function is receiving and channeling communication obtained from or originating at another location.

Community, welfare or health center: A community service facility where social, recreational, welfare, health or childcare assistance is provided by a public quasi-public, tax exempt, church or municipal agency.

Commercial subdivision: A division of a tract or parcel of land into two (2) or more building sites for commercial uses.

Common open space: A parcel or parcels of land or an area of water or a combination of land and water within the site for which a conditional use permit is sought. Such an area of land is used for the recreational enjoyment of the residents of the site.

Comprehensive Plan: The planning document and related material officially adopted by the City of Stuttgart, containing the goals and policies pertaining to land use, community facilities, infrastructure, circulation, housing, and other subjects related to the growth and development of the City. Officially referred to as the *Municipal Comprehensive Plan*.

Conditional Use: A use permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Stuttgart Planning Commission as outlined in this chapter.

Conditional Use Permit: An authorizing document issued by the City Council in association with its approval of a conditional use.

Contractor maintenance yard: An open storage yard for supplies and operational equipment, but not constituting a junk or salvage yard.

Convalescent, rest, nursing, or extended care facility: A health care facility where persons are housed, furnished with meals, and provided with continuing nursing care for compensation.

Convenience food store with gas sales: A small food store whose primary function is the sale of convenience food items such as bread, milk, etc. Gas pumps and petroleum sales are provided on the site. No automobile parts, sales or services allowed.

Country club and golf courses: An area of twenty (20) acres or more containing a golf course and a clubhouse available only to the membership. Such a club may contain as adjacent facilities a private club and dining room, swimming pool, tennis courts and similar service and recreational facilities.

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 with only one (1) outlet and having an appropriate terminus for the safe and convenient turnaround or reversal of traffic movement.

Day-care center/Day nursery: See Childcare Center

Daycare center, Adult: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.

Density: The measure of the number of dwelling units per acre.

Developer: Any landowner, agent of the landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

Development: Any man-made change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or other structures, mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

District, Zoning: Any section or sections of the City of Stuttgart for which regulations governing the use of buildings and/or premises are described in Article 2 of this ordinance and as shown on the Official Zoning Map of Stuttgart.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Duplication shop: A facility for the reproduction and copying of printed material or drawings.

Dwelling or Dwelling Unit: An individual building or portion thereof which is designed and used exclusively for residential purposes.

Single-Family Dwelling: A structure designed for occupancy by one family.

Duplex Dwelling: A residential structure designed to have two separate units on one lot

Multiple-Family Dwelling: A dwelling designed for occupancy by three or more families living independently of each other, exclusive of recreational vehicle camps, hotels, motels, or resort facilities.

Single-family attached (Townhouse) Dwelling: Three or more dwelling units in a row attached at the side or sides, separated by one or more fire resistant walls and having a separate front and rear access and intended to be occupied by one family.

Patio/Zero Lot Line Dwelling: a building located on a lot in such a manner that one or more of the rests on a lot line and there is a side yard of at least 10 feet on the other side.

Manufactured Home: A detached single-family dwelling unit in an off-site manufacturing facility for installation or assembly at the building site.

Upper-story Dwelling: One or more individual dwelling units located above the ground floor of an overall structure in which at least the first floor is designated for nonresidential uses such as office, retail or service establishment.

Easement: A right given by the owner of a parcel of land to another person, public agency or private corporation for a specific and limited use of that parcel for access or utilities.

Eating place, restaurant, cafe with drive-in service: An establishment which by design of physical facilities or by the type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods for consumption on or off the premises and which does permit consumption on the premises in motor vehicles.

Eating place, restaurant, cafe without drive-in service: An establishment where food is available to the general public primarily for consumption within a structure on the premises or which by design of physical facilities or by type of service and packaging permits or encourages the purchase of prepared, ready-to-eat foods intended for consumption off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged.

Encroachment: Any placement or obstruction in a delineated floodway, wetland, right-of-way, easement, required yard, setback, or adjacent land.

Family: One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, motel, club, or similar dwelling for group use.

Floor Area:

Gross: The sum of the horizontal areas of all floors of a building, measured from the exterior faces of exterior walls or from the centerline of the walls separating two buildings, and including but not limited to:

- (1) Basements;
- (2) Elevator shafts and stairwells of each floor;
- (3) Floor space for mechanical equipment with structural headroom of seven feet;
- (4) Penthouses;
- (5) Attic space providing headroom of seven feet or more;
- (6) Interior balconies, mezzanines, enclosed covered porches and steps;
- (7) Accessory uses in enclosed covered space, but not including space used for off-street parking.

Net: The total floor area within a building devoted or intended to be devoted to a particular use, within structural headroom of seven feet or more,

whether above or below the finished lot grade, and excluding items (2), (3), and (7) above.

Ratio: A mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located.

Feed store: A facility for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Florist flower or plant shop: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items. Enclosure of use required.

Foundry or metal-works: A facility for the melting, smelting, molding or otherwise processing or manufacturing of metallic minerals.

Fraternal lodge, service organization, headquarters, clubhouses: A private, nonprofit organization whose primary purpose is to promote the fellowship of its members and which may conduct business associated with philanthropy or civic awareness.

Frontage: The measure of property on one side of a street, closest to the street right-of-way, and between the two-side property lines associated with the same tract of land.

Frontage road: A street parallel to and adjacent to an expressway, freeway or arterial, which provides access to abutting properties.

Furniture repair/upholstery shop: A facility which performs repair or replacement of furniture and coverings, fabric, springs and padding in an enclosed area with all wood or material stains, paints or stripping processes in conformance with building and fire codes

Furniture store (new): A retail facility displaying and selling new furniture, and may include appliances such as radios, televisions, stereos, refrigerators, and stoves.

Garage:

Private: An accessory building or a part of a main building used for storage purposes only for automobile used solely by the occupants and their guests for the building to which it is accessory.

Public/Commercial: Any garage other than a private garage that is available to the public and used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire or sale.

Garage apartment: A dwelling unit for one-family erected above, or adjacent to, a private garage as an accessory use.

Grain elevator or feed mill: A facility for the storage or mixing or grinding of grains and other prepared foods to be used for pets, livestock or fowl.

Grocery store: An establishment where foods and associated items are displayed for retail sales.

Group care facility: A facility providing shelter, counseling and other rehabilitative services to more than six (6) but fewer than sixteen (16) residents and not more than three (3) staff or supervisory personnel. The individuals require some level of supervision or care; however, no medical or nursing care shall take place on the site. The facility shall be licensed and/or approved by the State of Arkansas.

Group home: Community based housing for no more than six (6) developmentally disabled persons and two (2) supervisory personnel, in which the home provides for the individual needs of the persons residing therein.

Hardware or sporting goods store: A retail facility for selling cutlery, tools, utensils, screws, nails and similar items; or athletic uniforms, sport clothing and sporting equipment.

Hauling and storage company: A facility for warehousing, transferring or keeping goods.

Health studio or spa: A facility other than a regularly licensed hospital, operating for a profit to promote physical fitness or weight control, tanning, and where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor, whether with or without use of mechanical or therapeutic devices.

Hobby shop: An establishment for the retail sale of hobby supplies such as model kits, art equipment and materials.

Home center: A facility which retails appliances, fixtures, building materials and other similar items for the maintenance and improvement of residential structures.

Home Occupation: A business, occupation, or profession may be carried on in a residential structure in a residential district only if it complies with all of the following:

- (1) Does not require the employment of persons on the premises in addition to the residing family.
- (2) Does not require the sale of commodities on the premises that are not produced on the premises.
- (3) Does not involve the use of commercial vehicles.
- (4) Does not require the use of more than two rooms otherwise normally considered as living space.
- (5) Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use.
- (6) Has only one sign, which shall not be in excess of one square foot to denote the business, occupation, or profession.
- (7) Does not involve the display of goods or services inside or outside
- (8) Existing occupations carried on in a residential structure in a residential district at the time of the passage of these regulations which do not comply with Article 2, may not be continued should there be a change in ownership by sale of property.

Homeowner's Association: A formal nonprofit organization operating under recorded land agreements through which (1) each lot and/or homeowner in a residential subdivision or a planned unit development is automatically made a member, and (2) each lot is automatically made subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintenance of common property, and (3) the fee if unpaid becomes a lien against the nonpaying homeowner's property.

Hospital: An institution licensed by the state that provides health services primarily for human inpatient, medical or surgical care for the sick or injured and including related facilities such as

laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel, Motel, or Motor Lodge: A building or a group of buildings under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the temporary abiding place for persons who are lodged with or without meals for compensation, but not including a hospital or recreational vehicle camping area.

Isolated Conveyance: The conveying or offering to convey of a single tract of land constituting a part of a larger unsubdivided tract of land, in which there is no immediate intent on the part of either the Grantor or Grantee to further subdivide the two tracts thus formed or further develop the same as City property.

Jewelry store: A facility which retails watches, rings, bracelets, necklaces and similar items.

Junk or salvage yard: A place where waste, discarded or salvaged metals, used plumbing fixtures, and other materials are bought, sold, exchanged, stored, baled, or cleaned, and the places or yards for the storage of salvaged materials and equipment from housing wrecking and salvaged structural steel materials and equipment, but excluding establishments for the sale, purchase or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment, and the processing of used, discarded or salvaged materials as a part of manufacturing operations.

Laboratory, manufacturing: Operations involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

Landscape service: A facility for the design and implementation of design of residential and business landscaping. This facility may include the storage of landscape materials in bulk form as well as the required machinery or equipment for installation.

Laundromat: A coin-operated facility designed for use by the general population for the cleaning and/or dry cleaning of domestic laundry items.

Laundry, domestic dry cleaning: A facility for the cleaning or dry cleaning of domestic laundry items. These items are, but not limited to, personal clothing, towels and linens.

Library, art gallery or studio, museum: An establishment for the loan or display of books, or objects of art or science which is sponsored by a public or quasi-public agency and which institution is open and available to the general public

Light fabrication and assembly process: The manufacture and assembly of items not involving an excessive generation of noise, odor, vibration, dust or hazard.

Loading space: A space within the main building or on the same lot therewith, provided for the standing, loading or unloading of trucks. Minimum dimensions are twelve (12) by sixty (60) feet for industrial and warehouse uses, and twelve (12) by forty (40) feet for commercial and institutional uses with a vertical clearance of at least fourteen (14) feet, together with access maneuvering areas provided on the same building lot as the principal use for which the loading space is intended. In every instance, loading space will be provided in accordance with Article 4 of this Ordinance.

Lodging/boarding house: A building or place where lodging is provided by pre-arrangement for definite periods, for compensation, for not more than three (3) persons

Loop Street: A street closed on either end with “T” intersections and which intersects the same street twice with no other intersection.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, corner: A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) streets lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning with the lot or at the points of intersection of the side lot lines within the street lines intersects as an angle of less than one hundred and thirty-five (135) degrees. (*See Illustrations, Section 114*)

Lot, depth: The mean distance from the right-of-way line of the lot to its opposite rear property line measured in a direction parallel to the sidelines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot, double frontage: A lot (except for a corner lot) which fronts two interior proposed streets within a subdivision.

Lot, flag (lane): A lot not meeting the minimum frontage requirements, but meeting the other size requirements and where access to the public street is by an access easement or driveway.

Lot, interior: A lot, the side lot lines of which do not abut on a street.

Lot, minimum width: The minimum required lot width measured at the required building setback line.

Lot, nonconforming: A lot, the area or dimension of, which was lawful prior to the adoption or amendment of the relevant Zoning Ordinance, but which fails to conform to the requirements of the zoning district under the current Zoning Ordinance.

Lot of Record: A lot which has been recorded in the Office of the Recorder of Deeds.

Lot, reverse frontage: A lot (excluding corner lots) which abuts both a proposed street and an existing street of higher classification, with vehicular access solely from the street of lower classification.

Lot, triangular: A lot having three (3) lot lines, but which does not qualify as a corner lot.

Lot, width (frontage): The distance measured between the side lot lines, at the required minimum building setback line. In a case where there is only one side lot line, a lot width shall be measured between such side lot line and the opposite rear lot line or street line.

Lumberyard: A facility which stores and sells cut lumber and other associated or accessory building materials.

Machine or welding shop: A facility in which metallic materials are processed by machining, cutting, grinding or welding.

Machinery sales and service: A facility for repairing equipment, selling and servicing of machinery.

Manufactured Home: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Manufactured Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots for the placement thereon of manufactured homes generally under single ownership where pad sites are leased on a long term basis.

Manufactured Home sales: A facility for the sale of mobile residences.

Manufactured Home Subdivision: The division of a tract or parcel of land into two (2) or more lots for the placement of manufactured homes.

Master Street Plan: The official street plan for the city denoting street classifications, alignments and their design standards.

Massage establishment: Any place of business in which massage therapy is practiced by a massage therapist, as defined by Arkansas Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myotherapy, or any derivation of those terms. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Medium-density, multi-family: Any structure for housing or residential units (public or private) which exceeds a height of forty (40) feet

Mini-warehouse: A warehouse facility used for the storage of personal possessions such as boats, trailers and furniture, and is available for rent to the general public.

Mobile Home: a term no longer in use. See Manufactured Home.

Modular Home: A modular home is a prefabricated single-family dwelling structure, not on its own chassis, and in one or more parts, which is transported to a lot and placed on a permanent foundation. Upon placement on the lot, the structure shall be considered a permanent, conventional dwelling unit and shall meet all applicable building codes.

- a. Built in modules/sectional components at a factory.
- b. Conforms to the state, local or regional codes where the home is located.

Mortuary or funeral service: A facility where deceased bodies are prepared for burial and kept until burial, and where funeral services may be conducted. A crematorium may be part of the services provided by a full service funeral home operation with a conditional use permit.

Motor freight terminal: A facility for freight loading and freight storage.

Newspaper, magazine, book or stationery store: A facility for the sale of books, pamphlets, paper, pens, ink and associated items; not involving wholesale distribution.

Nonconformance: A lawful condition of a structure or land which does not conform to the regulations of the zoning district in which it is situated. This may include but is not limited to a failure to conform to use, height, area, coverage, or off-street parking requirements established prior to the adoption of the Zoning ordinance or annexation into the city.

Nonconforming Use: A use, activity, structure or a parcel of land occupied by a land use activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but fails to conform to the regulations of this Zoning Ordinance and the district in which it is situated and which has been identified as a nonconforming use.

Office equipment sales and service: A facility for the display, sales, service or repair of equipment, machines or computers typically utilized in daily activities of general or professional offices.

Office, general or professional: A place for the regular transaction of business, but not to include the occupation by retail sales, transfer of manufactured goods or storage of commodities.

Office, showroom and warehouse: A facility for mixed use with the following characteristics:

- a. A showroom for display of product line which does not include items for user purchase, storage or warehouse facilities and occupies not more than sixty (60) percent of the gross floor area of the structure(s).
- b. The principal office of the business;
- c. Sales to contractors or other businesses installing or delivering to consumer and user.

Office, warehouse: A facility, combining office and warehouse functions in a single structure.

Offsite: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one percent (1%) chance of occurring each year, although the flood may occur in any year) per FEMA Flood Insurance Rate Map (FIRM).

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street rights-of-way, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

Open storage: The storage of any equipment, machinery, commodities, raw semi-finished or finished materials, and building materials, which is visible from any public street.

Optical shop: A facility for a dealer in optical items or for correcting vision.

Orphanage: A residential housing facility for homeless, abused or neglected children. This definition shall be deemed to include the provision of shelter, meals, clothing and counseling for on-site residents only. Accessory uses shall, in every respect, be subordinate to the principal use.

Paint and wallpaper store: A facility for selling paints, painting equipment and wallpaper.

Parking, commercial lot or garage: A facility for temporary storage of motorized or wheeled vehicles.

Parking space: A paved area, enclosed or unenclosed, sufficient in size to store one automobile together with a paved driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

Pavement width: That portion of a street measured from the back of a curb on one (1) side of the street to the back of the curb on the other side of the street.

Pawnshop: A facility for loaning money on the security of personal property; unclaimed property may be sold on premises.

Personal services: Establishments primarily engaged in providing services the care of a person's personal needs and include laundry, dry cleaning, beauty shops, barbershops, shoe repair, reducing salon, health clubs, and clothing rental services.

Petroleum products, storage and wholesale: A facility for the storage and sale of petroleum products.

Pet shop: A facility for the display and sale of small animals, fish and birds and pets, such as dogs, cats, parakeets, goldfish, tropical fish or canaries, without involving commercial boarding or treating of any animal, fish or bird.

Pharmacy or drugstore: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain services and similar items.

Photography studio: A facility for taking and processing pictures, not a bulk processing plant.

Plant nursery: A facility for the sale or rental of plants and other landscaping or gardening supplies and the equipment used in the installation of maintenance thereof.

Plat: A map representing a tract or tracts of land, showing the boundaries and locations of individual properties or lots as in a subdivision or addition

Plat, final: A finished drawing showing completely and accurately all legal and engineering information required in Article 3 and including the bill of assurance.

Plat, preliminary: The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for review, and including the preliminary bill of assurance.

Private club: An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of that portion of Arkansas State Law, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Public Hearing: An official formal meeting, legally advertised, held pursuant to public notice by the Planning Commission and /or the City Council, intended to inform and obtain public

comment, prior to taking action on the implementation or approval of, but not limited to, ordinances, plans and applicable subdivision replats

Plumbing, electrical, air-conditioning and heating shops: A facility providing supplies, repair, installation

Recreational vehicle: A vehicular structure designed for temporary living without permanent foundation that can be towed or driven. RVs include travel trailers, truck campers, camping trailers or self-propelled motor homes.

Recreational vehicle camping area: Commercial facilities for the temporary parking of recreational motor homes, camping trailers, or other recreational vehicles. The facility may include electric, water and sanitary sewer hook-ups. The drives and parking areas within the facility must be paved in asphalt or concrete. The maximum allowable stay for patrons will be two (2) weeks.

Recreational vehicle storage: a site for the temporary storage of recreational vehicles and boats provided the site is screened from view by fencing or landscaping materials.

Residential Density: The number of lots, dwelling units, or persons located or residing within a residential area.

- a. **Gross:** The number of lots, dwelling units, or person located within the total acreage of a residential area.
- b. **Net:** The number of lots, dwelling units, or persons located within the total acreage of a residential area, exclusive of street rights-of-way, easements, non-residential land use parcels, and acreage unsuitable for normal land development purposes.

Restaurant: (See eating place.)

Retail: An establishment engaged in the selling or rental of goods or merchandise to the general public for personal use or household consumption.

Right-of-way, public: A strip of land dedicated or deeded to the public, usually occupied by a street, crosswalk, railroad or utility service, and delineated on the final plat.

Sand, gravel or earth sale and storage: A facility for storing and marketing sand, gravel, and earth.

Seasonal and temporary sales, outside: An activity conducted on a zoning lot (*platted?*) involving sales of merchandise customarily sold within the principal structure and those sales by transient users permitted in the district. This activity shall be deemed to be an extension of the principal use of the land and subject to bulk, area and parking regulations. Displays may be located within approved temporary structures or as open display.

Secondhand store, used furniture or rummage shop: A facility for the sale of secondhand or used items in which there is no outside display.

School:

Private or denominational: A school under the sponsorship of a private agency, corporation religious agency having a curriculum generally equivalent to public elementary or secondary schools.

Public: A school under the sponsorship of a public agency providing elementary or secondary curriculum.

Private Trade or Commercial Schools: Considered as a commercial use.

Screen wall: An opaque barrier of stone, wood, brick, block, or other permanent material at least six feet in height.

Setback (Building Setback Line): The minimum distance that a building must be held back from an adjacent right-of-way lot line, depending on the applicable zoning district, or the minimum distance from the ultimate right-of-way, depending on the applicable street, road or highway (*See Illustrations, Section 114*)

Shoe repair: A facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Shopping center: A group of unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves with customer and employee parking provided on-site

Single-family: A dwelling unit occupied by not more than one (1) family.

Site Development Plan: A drawing showing the provisions for a proposed project, including such information that together with information pertaining to all covenants relating to the site, location and bulk of structures, intensity of use or density of development, location of streets, ways, and parking facilities; common open space and public facilities, and all other reasonable information required by the Planning Commission as a part of the review process.

Stable:

Private: A stable for private use with a capacity of not more two (2) horses, mules, or donkeys.

Public: A stable, other than a private stable.

Story/ Floor:

Full: 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 be no floor above it, then the space between the floor and the ceiling next above it.

Half: A space under a sloping roof which has the line intersections of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters will be counted as a full story.

Street: Any dedicated public right-of-way which affords the principal of access between various land use activities. The City of Stuttgart has adopted a functional street classification system which is defined as follows:

Major Arterial: A street that is intended to expedite the movement of traffic where access to adjacent properties is minimized, on-street parking is generally prohibited and signals are spaced at not less than ½ mile intervals, typically at intersections where the intersecting street is of a similar classification.

Minor Arterial : A street whose primary function is to accommodate only movement within the city, are generally from one to five miles in length, operate at lower speeds than major arterials and provide more direct access to adjacent properties and the local street network.

Collector Street: A street that serves as the connections between Arterials and Local Streets collecting traffic and distributing it to the Arterial network. Collectors also serve to provide direct access to a wide variety of residential, commercial and other land uses, and their design involves site-specific considerations. They provide direct service to neighborhoods and other local areas, and may border or traverse neighborhood boundaries. Parking is generally permitted on Collectors.

Local Streets include all other streets and roads that are not included in higher classifications. They include internal and access streets that allow direct access to residential and commercial properties and similar traffic destinations. Direct access to adjacent land is their primary role, for all traffic originates from or is destined to adjacent land. On-street parking is generally permitted.

Cul-de-Sac: A local street having one end open to vehicular traffic and having one end closed or terminated with a turning circle.

Street, private: A cul-de-sac or loop street built to public street standards, but specifically allowed as a private street by the Planning Commission.

Street, public: A dedicated and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Street, residential/local: A street designed to provide circulation within a residential subdivision and to individual lots.

Studio (art, music, speech, drama, dance or other artistic endeavors): A facility for instruction, counseling or coaching in the arts, and for the development of person skills or talents. This includes but is not limited to graphic, performing and literary arts limited to instruction, counseling or coaching.

Stuttgart Planning Commission: The Planning Commission of the City of Stuttgart duly appointed to oversee and act upon matters of land use planning and zoning for the City, pursuant to the provisions of A.C.A Title 14, Chapter 56.

Structure: Anything constructed or erected, the use of which requires a location on the ground or an attachment to something located on the ground.

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

Subdivision/Addition: All divisions of a tract or parcel of land in one (1) or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale 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,

Surveyor: A land surveyor registered in the state to perform precise dimensions and location of a piece of land in the preparation of subdivision plats and other legal descriptions.

Swimming pool, sales and supply: A facility for display and retail sales of swimming pools, related supplies and service.

Tailor: A shop to alter, repair, fabricate or fashion garments.

Taxidermist: A facility for preparing, stuffing and mounting the skins of animals, birds or fish.

Territorial Jurisdiction: That area of land adjacent to the city limits on which the city may extend land use controls as determined by the ordinance establishing said jurisdiction

Theater, not drive-in type: A facility for showing motion pictures to an audience inside an enclosed structure and may include live performances.

Tire re-treading or recapping: The installation of a new tread or wear surface on a vehicle tire carcass by cementing, molding, vulcanizing or other mechanical or chemical means. This use must be totally enclosed.

Tool and equipment rental (inside display only): A facility for renting tools and equipment to the public with no outside display.

Tool and equipment rental (with outside display): A facility for renting tools and equipment to the public with outside display areas of rental items.

Townhouse: Two (2) or more attached dwelling units under condominium or corporate ownership. (See Dwelling Unit)

Tract: A parcel of land whose boundaries have been established by a recorded deed and which is recognized as a separate parcel for the purpose of transfer of title.

Trailer:

Camping: recreational, or travel trailer: A mobile living unit for temporary occupancy away from the place of residence of the occupants, and not constituting a principal residence.

Hauling: A vehicle to be pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

Travel agency: A business engaged in selling or arranging transportation, trips or tours for individuals or groups.

Truck stop/travel plaza: A business or service primarily involving the fueling, servicing, maintenance, storage or repair of commercial vehicles and may include overnight accommodations and eating facilities.

Truck or tractor sales or repair: A facility for the sales and repair of trucks, tractors or similar motorized vehicles. Any display or sales area must be paved.

Two-family/Duplex: Two (2) attached dwelling units on one (1) lot, each occupied by not more than one (1) family.

Yard: (*also see Building Setback*)

Front: An unoccupied open space on the same lot with a building, between the wall of the building nearest the street on which the lot fronts, and bounded by the line of that wall and extended the side lines of the lot and the front street line of the lot. The minimum depth of the front yard is the distance between the nearest point of the street wall of the building and the

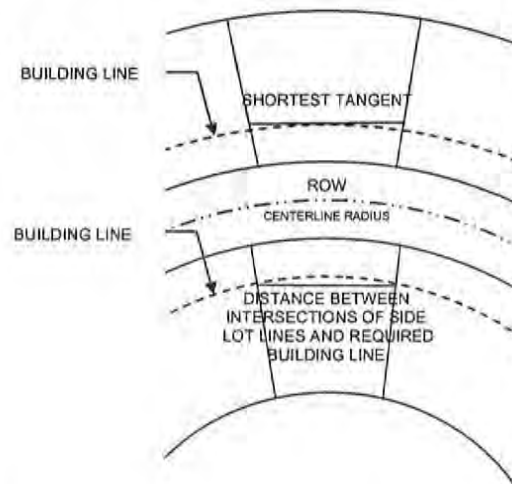
front line of the lot, or that line produced, measured at right angles the front line of the lot.

The front yard of a corner lot consisting of one platted lot is the yard adjacent to that street on which the lot has its least dimension. When this question arises, the Code Enforcement Officer will make a final determination. If a corner lot consists entirely of unplatted land or a combination of platted land, the front yard is located on the street on which the greater number of lots front, regardless of whether those lots are platted or unplatted.

If a corner lot consists of all or more than two platted parcels of land each of whose least dimension is on the same street as the other lots in the block, then the location of the front yard is on the same street as the other lots.

Rear: An unoccupied open space on the same lot with a building, between the rear line of a building and bounded by the rear line extended, the side lines of the lot and the rear line of the lot. Where no rear building line exists, a line parallel to the front street line and distant as far as possible and not less than ten (10) feet long is deemed to be the rear line. The depth of the rear yard is the distance between the nearest point of the rear wall of the building and the rear line of the lot.

Side: An unoccupied open space on the same lot with a building situated between the building and the side line of the lot and extended through from the front yard to the rear yard. Any line not a rear line or a front line is deemed to be a side yard line.



Utility storage yard: A facility either open or enclosed where a utility may store equipment or materials not in use or waiting for use.

Utility substation: A station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area.

Vehicle maintenance or repair: A facility designed and operated as an ancillary activity designed and operated as an ancillary activity. This activity is limited to vehicles or equipment stored, used or otherwise employed in the principal use of the land.

Wood products manufacturing: A facility which cuts, trims, planes or otherwise finishes wood products on an industrial scale.

Zoning Board of Adjustment: The officially designated municipal body that is responsible for three respective roles pertaining to the implementation of the Stuttgart Zoning Ordinance:

- Interpretation of the map and the text, including the resolution of appeals from decisions of the Stuttgart Code Enforcement Officer.
- Approval and denial of variances.
- Identification and termination of zoning nonconformance.

Zoning Map: The official zoning map of the City of Stuttgart upon which the boundaries of the various zoning districts are drawn and which is an integral part of this Zoning Ordinance. The Zoning Map shall be housed, maintained, and revised regularly by the City Clerk's Office of the City of Stuttgart.

Zero-lot-line development (also called Patio Home): 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 to provide for proper placement of the units and assured that no lot will be adversely affected by placement of adjoining units.

Section 116. Municipal Comprehensive Plan Amendment

No zoning change shall be approved to any zoning district that is inconsistent with the land use designation for the property in the Future Land Use Plan. Consistency with the Land Use Master Plan land use designations shall be determined based on the district purpose statements, the nature of the district regulations and the description of the land use category in the Future Land Use Plan. Future Land Use Plan amendments shall not be required for zoning changes proposing single-family detached residential land uses that are less dense than those allowed pursuant to the existing land use category and single-family detached zoning district. However, notwithstanding the foregoing, a zoning change proposing a single-family detached use in an existing multi-family, duplex or single-family attached zoning district located in a high density land use category shall not be approved without a Future Land Use Plan amendment. Any person, firm or corporation having a proprietary interest in any property within the corporate limits of the City of Stuttgart, Arkansas requesting a change or amendment to the Land Use Master Plan shall file an application applying for such change or amendment with the Secretary of the Planning Commission. Each application shall be accompanied by the following:

1. A clear statement or description of the requested change or amendment and the reason for the change.
2. A drawing, at a scale of not less than one inch (1") to two hundred feet (200'), indicating the following:
 - a. existing land use categories on the Future Land Use Plan;
 - b. proposed land use categories in a format that identifies boundaries between different land use categories;

- c. Land Use Master Plan features, whether existing or proposed, from any or all of the following elements: Future Land Use Plan and Streets Master Plan.
 - d. A vicinity map indicating the general location of the subject property.
3. A filing fee in accordance with established fees.
 4. If any impacts on the Water, Wastewater or thoroughfare System components of the City are determined due to changes in population density or other factors, the City may require an evaluation of such impacts as it deems necessary.
- The request shall be considered in the same manner as a request for zoning Changes in Article 2, Section 212.

ARTICLE 2, ZONING ORDINANCE

Title, Purpose, Establishment of Districts and Uses and Application

Section 201. Title

Zoning Ordinance (of the Unified Development Code)

Section 202. Purpose

The purpose of this article of the **Unified Development Code** is the establishment of zoning districts with classifications and regulations for the uses of land and structures within the city limits of Stuttgart and in the designated territorial jurisdiction. Except as herein provided, no land may be used and no structure erected, constructed, moved, altered, enlarged, or rebuilt unless it shall be used and maintained in accordance with the requirements established for the district in which the structure is to be located, and in accordance with the provisions of this ordinance as they pertain to districts.

Section 203. Establishment of the Zoning Districts and Related Use Regulations

The City of Stuttgart is divided into zoning districts which are described in this Ordinance and the boundaries of which are shown on the Official Zoning Map.

Section 204. Official Zoning Map

The boundaries for the zoning districts established by this Zoning Ordinance shall be show on a map entitled "Official Zoning Map". A current copy shall be maintained by the City and shall be kept in the office of the City Clerk. It shall be signed by the Mayor and attested to by the City Clerk

The boundaries, as indicated, shall generally follow along street centerlines, property boundaries and platted lot lines, unless otherwise noted on the map.

Section 205. Uses

Uses are the purposes or activities for which the land and/or structures are designed, arranged or intended or for which the land and/or structures are occupied and maintained subject to the requirements set forth in this ordinance.

Permitted by Right: those uses that are allowed in the district and subject to the restrictions of the district.

Conditional Uses: those uses permitted in a particular district when it is show that such a use in a specific location shall comply with conditions and standards established for the location or operation.

Section 206. Table of Permitted and Conditional Uses

The permitted and conditional uses for each district are set forth in *Table 2.1 Zoning Use Matrix*. This table is organized with rows for the uses and columns for the zoning districts. The use is permitted by right where the letter "P" appears on the line of use and in the district column. Where a "C" appears the use is conditional subject to the requirements set out in Section 209. Where the space is blank, the use is **not** permitted.

Section 207. Application of District Regulations

In the application of the zoning requirements of this ordinance the internal stability, attractiveness, order, and efficiency of the uses and structures are encouraged to provide adequate light, air and open

space for dwellings and related facilities and through the consideration for the proper functional relationship and arrangement of each element.

- A. The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
- B. The uses in each zoning district shall be limited to those uses listed as permitted, conditional or prohibited within the respective zoning districts.
- C. No building or other structure shall hereafter be erected or altered to:
 - accommodate or house a greater number of families;
 - occupy a greater percentage of lot area; or
 - have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of these regulations.
- D. Area regulations are designed to establish minimum and maximum requirements. Additional separately enforced Bill of Assurances and/or deed restrictions may be established, but are not intended to be enforced by the City. Whichever is more restrictive, the zoning requirements of this ordinance or the bill of assurance/deed restrictions/restrictive covenants shall govern and shall be enforced by the respective party.
- E. When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission, at a hearing, shall determine whether said use is compatible (i.e., in character) and shall make recommendations to the City Council. If the use is not specifically compatible, but is a new or desirable one, it shall be considered as an amendment to this ordinance. The City Council shall consider recommendations by the Planning Commission and the findings of the City Council shall be final.

Section 208. Zoning Districts

Zoning districts are specifically delineated areas where uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings. The zoning districts in the City of Stuttgart are as follows:

- A: Agricultural District
- R-1: Single Family Residential District
- R-1A: Modified Low Density Single Family Residential District
- R-2: Medium Density Residential District
- R-3: High Density Residential District
- R-4: Manufactured Home District
- B-1: Central Business District
- B-2: Highway Oriented Business
- B-3: Neighborhood Business District
- I-1: Industrial Park District
- I-2: Heavy Industrial District

The specific regulations for each of the districts are as follows:

Section 207.1. Agricultural District (A)

Purpose:

The **Agricultural (A) District** provides for agricultural and residential land use activities in areas are generally located on the periphery of Stuttgart’s boundaries. Land use activities permitted in this zoning district are appropriate for areas that may undergo a change to more urbanized use in the future, however preservation of agricultural land is essential to the long-term future of the city. The agricultural and residential activities permitted within the District are generally beneficial and compatible to each other.

Uses Permitted by Right: See Table 2.1, Zoning Use Matrix.

Conditional Uses: See Table 2.1, Zoning Use Matrix.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not to be enforced by the City.

Density: one (1) principal dwelling per lot.

Lot Size (Minimum): two (2) acres.

Lot Width (Minimum measured at the front building line):

Interior: two hundred (200) feet.

Corner: two hundred fifty (250) feet.

Cul-de-sac: two hundred (200) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): two hundred fifty (250) feet.

Yard/Building Setback Requirements:

The following yard requirements establish the building set back line.

Front Yard (Minimum): fifty (50) feet from the street right-of-way.

When a lot fronts on two streets the front yard requirements shall be provided on both streets.

Rear Yard (Minimum): fifty (50) feet. An accessory buildings located in the rear yard shall not be located closer than five (5) feet from any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior: five (5) feet.

Corner lots: twenty-five (25) feet on side adjacent to a street unless the adjoining frontage is greater, then the setback shall match the greater adjoining setback.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior lots: twenty-five percent (25%).

Corner lots: thirty percent (30%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet measured to the peak of the roof.

Home Occupation: See Section 208.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.2. Single Family Residential District (R-1)

Purpose:

The **R-1, Single Family Residential District** is the where the primary use of land is for single-family detached residential dwellings, and under certain conditions religious, educational, and recreational facilities, normally required to provide the basic elements of a balance and attractive neighborhood. These areas are intended to be separated and protected from the encroachment of land use activities that do not perform a function necessary to sustain the residential environment. Accessory buildings shall be constructed to be in character with the Principal building.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one (1) principal building per lot.

Lot Size (Minimum): nine thousand (9,000) square feet.

Lot Width (Minimum measured at the front building set back line):

Interior: seventy-five (75) feet.

Corner: eighty five (85) feet or ten (10) feet wider than the standard lot in the subdivision.

Cul-de-sac: seventy-five (75) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

Yard\Building Setback Requirements:

The following yard requirements establishes the building set back line.

Front Yard (Minimum): forty (40) feet from street right of way line.

Rear Yard (Minimum): twenty-five (25) feet. An accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior: ten (10) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior lots: twenty-five percent (25%).

Corner lots: thirty percent (30%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet in height measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.3. Modified Single-family Residential District (R-1A)

Purpose:

The **R-1A District** is a transitional district between R-1 and R-2 and is applicable only to existing subdivisions and additions having substantial single-family residential construction and only existing residential construction on the effective date of the adoption of this ordinance. Accessory buildings shall be constructed to be in character with the Principal building

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one (1) principal building per lot.

Lot Size (Minimum): seven thousand (7,000) square feet.

Lot Width (Minimum measured at the building setback line):

Interior: fifty (50) feet.

Corner: sixty (60) feet.

Cul-de-sac: fifty (50) feet measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

Yard/Building Setback Requirements:

The following yard requirements establish the building set back line.

Front Yard (Minimum): twenty-five (25) feet from the street right-of-way lines front building line.

Rear Yard (Minimum): twenty (20) feet. An accessory buildings shall be located in the rear yard no closer than ten (10) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard (Minimum):

Interior lots: six (6) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum Principal and Accessory buildings):

Interior lots: thirty percent (30%).

Corner lots: forty percent (40%) on corner lots.

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet in height measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.4. Medium Density Residential (R-2)

Purpose:

The **R-2 District** provides for a higher population and housing unit density, but with the basic restrictions similar to the R-1 District. The principal uses for land in the R-2 District are for single-family (detached), patio home, townhome (single-family attached), duplex, triplex, and multi-family dwellings (apartments) along with related religious, educational and recreational facilities normally required for the provision of a balanced and attractive neighborhood. Accessory buildings shall be constructed to be in character with the Principal building.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density:

Single family: one (1) principal building.

Patio home: one (1) principal building.

Townhome: one (1) principal building per lot.

Duplex: one (1) principal building containing two (2) units.

Triplex: one (1) principal building containing three (3) units.

Multifamily: ten (10) units per acre

Lot Size (Minimum):

Single-family: seven thousand (7,000) square feet.

Patio home: five thousand (5,000) square feet.

Townhome: three thousand (3,000) square feet.

Duplex: nine thousand (9,000) square feet.

Triplex: eleven thousand (11,000) square feet.

Multi-family: eleven thousand (11,000) square feet with an additional two thousand (2,000) square feet per each dwelling unit over three (3).

Lot Width (Minimum at the front building line):

Single-family detached: sixty (60) feet.

Patio home: fifty (50) feet.

Town home: thirty (30) feet.

Duplex (two-family): sixty (60) feet.

Triplex: sixty-five (65) feet.

Multi-family: seventy (70) feet.

Cul-de-sac: same as the requirements above measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth (Minimum): one hundred (100) feet.

R-2 (continued on next page)

(R-2 continued)

Yard/Building Setback Requirement

The following yard requirements establishes the building set back line.

Front Yard/Building Line (Minimum): twenty-five (25) feet.

Rear Yard (Minimum):

Single family: twenty (20) feet.

Multi-family: twenty-five (25) feet.

Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard Minimum:

Single-family: six (6) feet.

Patio home: zero (0) on one side and twelve (12) feet on the other.

Townhome: zero (0).

Multi-family: ten (10) feet.

Corner lots, twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior: thirty percent (30%).

Corner: forty percent (40%) on corner lots.

Patio home: fifty percent (50%).

Townhome: sixty percent (60%).

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): forty (40) feet measured to the peak of the roof.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.5. High Density Residential (R-3)

Purpose:

The **R-3 District** is a residential zoning district that provides higher density of population. The principal uses for land in the R-3 District are for multi-family dwellings, and apartments. Single family detached structures are permitted, but discouraged. Multi-family areas are intended to be separated and protected from the encroachment of land use activities that are incompatible with high-density residential development.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City. Single family (attached and detached), duplex and triplex residences are subject to the requirements in the Medium Residential, R-2 District. For multi-family structures the following shall apply.

Density: sixteen (16) units per acre.

Lot Size (Minimum): eight thousand (8,000) square feet with an additional one thousand and five hundred (1,500) square feet per each dwelling unit over three (3).

Lot Width (Minimum at the front building line):

Interior: seventy (70) feet.

Corner: eighty (80) feet.

Cul-de-sac: measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated below.

Lot Depth Size (Minimum): one hundred (100) feet.

Yard/Building Setback Requirement:

The following yard requirements establishes the building set back line.

Front Yard/Building Line (Minimum): twenty-five (25) feet.

Rear Yard (Minimum): twenty (20) feet. Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard:

Interior: ten (10) feet.

Corner lots: twenty (20) feet on side adjacent to a street.

Lot Coverage (Maximum for Principal and Accessory buildings):

Interior: thirty percent (30%).

Corner lots: forty percent (40%).

Accessory buildings (Maximum): twenty percent (20%) of the rear yard.

Height Regulations: No building may exceed forty (40) feet in height.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.6 Manufactured Home District (R-4).

Purpose:

The **Manufactured Home District (R-4)** is intended to provide the appropriate location for manufactured homes as a specific housing type. A manufactured home is defined for the purposes of this ordinance as “a detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.”

Uses in this district are generally in keeping with other single-family residential districts in the City and are not intended to adversely affect established residential development patterns. In this district, the uses are intended to be separated and protected from land use activities that do not perform any function necessary to sustain the residential environment.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Types of Development: There are two specific types of development that are compatible with the needs of manufactured homes.

- A. Manufactured Home Subdivision:** The division of a tract or parcel of land into two (2) or more lots for the placement of manufactured or modular homes.

A manufactured home subdivision shall meet the same development and subdivision requirements of this ordinance for a single-family subdivision in terms of streets and utilities.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Density: one principal dwelling per lot/space/pad.

Lot/ Space/Pad Size (Minimum): five thousand (5,000) square feet.

Lot/ Space/Pad Width (Minimum at the front building line):

Interior: fifty (50) feet.

Corner: sixty (60) feet.

Cul-de-sac: measured as the length of the shortest line that connects the side lot lines tangent to the required front yard/building setback requirement stated as follows.

Yard\Building Setback Requirement:

The yard requirements establish the minimum building set back line.

Front Yard (Minimum): twenty (20) feet.

Rear Yard (Minimum): fifteen (15) feet. Accessory buildings shall be located in the rear yard no closer than five (5) feet to any property line or within any easement. Accessory buildings shall be compatible with the principal building.

R-4 (Continued on next page)

Side Yard (Minimum):

Interior: ten (10) feet.

Corner lots, twenty (20) feet on side adjacent to a street.

Lot Depth (Minimum): one hundred (100) feet.

Lot Coverage (Maximum for Principal and accessory buildings):

Interior: twenty-five percent (25%).

Corner: thirty percent (30%) on corner lots.

Accessory buildings cannot cover more than twenty percent (20%) of the rear yard.

Height Regulations (Maximum):

Traditional manufactured homes: fifteen (15) feet to the highest point on the unit.

Single family design specifications: 35 feet to the peak of the roof.

Anchoring and Skirting: All manufactured homes placed within the city limits shall be firmly anchored and blocked and shall, within 60 days of set, be skirted or underpinned with wheels covered. All manufactured homes that have been placed within the city limits prior to the date of passage of this Ordinance shall within 120 days of the passage of this Ordinance shall be brought into compliance with the minimum requirements stated herein. The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

Exterior building and roofing materials: Manufactured and modular home shall be covered with exterior materials customarily used on site built homes.

Orientation: The home shall be located with the front entrance facing the street.

Home Occupation: *See Section 208.*

B. Manufactured Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more lots for the placement thereon of manufactured homes, generally under single ownership where pad sites are leased. The manufactured homes may be individually owned or rented.

A manufactured home park shall meet the following requirements for Lot/ Space/Pad Sites.

Area Regulations Manufactured Home Parks:

Yard\Building Setback Requirements:

The yard requirements establish the minimum building set back line.

Front Yard (Minimum): twenty (20) feet measured the street right-of-way or driveway/fire lane.

Rear Yard (Minimum): ten (10) feet. An accessory buildings located in the rear yard shall not be located closer than five (5) feet from any property line or within any easement. Accessory buildings shall be compatible with the principal building.

Side Yard: ten (10) feet.

Lot/ Space/Pad Size (Minimum): For each manufactured home and secondary building there shall be not less than 4,000 square feet. Spaces may be irregular in shape but shall have a minimum width of 40 feet.

Lot/ Space/Pad Site Depth (Minimum): one hundred (100) feet.

Lot/ Space/Pad Site Coverage (Maximum for Principal and accessory buildings):

Interior: twenty-five percent (25%).

Corner: thirty percent (30%) on corner lots.

Accessory buildings: twenty percent (20%) of the rear yard.

Height Regulations (Maximum): fifteen (15), but those built to single family specifications may be up to thirty-five (35) feet.

Anchoring: The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

All manufactured homes placed within the city limits shall be firmly anchored and blocked and shall, within 60 days of set-up, be skirted or underpinned with wheels covered. All manufactured homes that have been placed within the city limits prior to the date of passage of this Ordinance shall within 120 days of the passage of this Ordinance shall be brought into compliance with the minimum requirements stated herein. The home shall be anchoring to a permanent (concrete) foundation per manufacturer's specifications for the length of the building.

Skirting: the space between the finished floor and the ground shall be enclosed.

Lot/ Space/Pad Site Identification: Pad sites shall be designated numerically or alphabetically for identification and addressing purposes

An internal street/ driveway/fire lane of at least twenty (20) feet shall be maintained

Date plate: Each unit shall have specifying that the unit is designed to comply with Federal Construction and Safety Standards

Open Space: Manufactured Home Parks shall set aside, improve and maintain an area of five (5) percent for recreational purposes.

Home Occupation: *See Section 208.*

Parking: Two off street parking spaces shall be provided for each unit. Guest parking shall be provided at a ratio of .0.25:1. Otherwise, parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Location and Relocation of Manufactured Homes with Respect to the Age of the Structure

No manufactured home shall be located or relocated in the City that is more than five (5) years old except where it can meet or exceed the Building Code requirements for condition and safety as determined by the Code Enforcement Officer prior to the moving of the structure.

Section 207.7. B-1 Central Business District

Purpose:

The Central Business District or B-1 is designed to encourage and facilitate the identification, redevelopment and continued maintenance of Stuttgart's central core. In this downtown portion of the City, a mix of retail, office, residential (on upper floors) and public uses are permitted and encouraged.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix.*

Conditional Uses: *See Table 2.1, Zoning Use Matrix.*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: as existing at the time of the adoption of this ordinance.

Lot Width: as existing at the time of the adoption of this ordinance.

Lot Depth: as existing at the time of the adoption of this ordinance.

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard: none.

Rear Yard: none.

Side Yard: none.

Lot Coverage: one hundred (100%).

Height Regulations: Maximum of fifty-five (55) feet in height, or five (5) stories. Screened architectural and mechanical feature may extend an additional ten (10) feet.

Home Occupation: *See Section 208.*

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading.

Section 207.8. Highway Oriented Business (B-2)

Purpose:

The **B-2 District** is designed to provide ready access to a variety of retail and commercial establishments that provide goods and services for the residents of the entire City of Stuttgart and its visitors. It is intended to encourage the unified grouping, in one or more buildings, of retail shops and stores.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): twenty-five (25) feet.

Rear Yard(Minimum): Yard: thirty (30) feet.

Side Yard(Minimum): none, unless adjacent to residential and then it is fifteen (15) feet.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to B-2 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yard requirements stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.9. Neighborhood Business District (B-3)

Purpose:

The **B-3 Neighborhood Business District** is designed to accommodate trade and personal services that meet everyday needs of the families residing in adjacent residential neighborhoods. Open space, and off-street parking are more restrictive in the B-3 District because the retail trade and services located within it are intended to be an integral part of the neighborhood operating in harmony with adjacent residential, educational, religious and recreational land use activities.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no greater than adjacent residential.

Yard/Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): thirty (30) feet or compatible with adjacent residential.

Rear Yard (Minimum): twenty (20) feet.

Side Yard (Minimum): ten (10) feet, unless adjacent to residential when it is fifteen (15) feet.

Lot Coverage (Maximum for Principal and accessory buildings): forty percent (40%).

Height Regulations (Maximum): fifty (50) feet in height, or two (2) stories.

Display and Storage: No outside display or storage.

Access to B-3 Sites: Generally, not more than one (1) entrance and exit drives per shall be permitted to minimize the impact on the surrounding residential uses. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.10. Industrial Park (I-1)

Purpose:

The **I-1 District** for manufacturing, fabrication, assembling, warehousing and wholesaling businesses carried on within the structure, and with adequate land area for parking and landscaping. The District may serve as a buffer between heavy industrial processes, other inharmonious activities and more restrictive land use activities. Because of its proximity to residential district, the land use activities and related operational characteristics of the I-1 District are regulated to a greater extent than those associated with the I-2 District.

Uses Permitted by Right: *See Table 2.1, Zoning Use Matrix*

Conditional Uses: *See Table 2.1, Zoning Use Matrix*

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard\Building Setback Requirement

The following yard requirements establishes the building set back line

Front Yard (Minimum): seventy-five (75) feet.

Side Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Rear Yard: twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built up to railroad property lines.

Lot Coverage (Maximum for Principal and accessory buildings): fifty percent (50%)

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Access to I-1 Sites: Generally, not more than two (2) entrance and exit drives per shall be permitted to minimize the impact on the surrounding uses and traffic. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Display and Storage: All bulk storage shall be within the confines of structures.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 207.11. Heavy Industrial District (I-2)

Purpose:

The **I-2 Heavy Industrial District** is for the location of general industrial, manufacturing and processing activities, including outside bulk storage of goods.

Area Regulations:

Area regulations are designed to establish minimum and maximum requirements. Additional and separately enforced Bill of Assurances and deed restrictions may be established, but are not intended to be enforced by the City.

Lot Size: no minimum or maximum.

Lot Width: no minimum or maximum.

Lot Depth: no minimum or maximum.

Yard\Building Setback Requirement.

The following yard requirements establishes the building set back line

Front Yard (Minimum): fifty (50) feet.

Side Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

Rear Yard (Minimum): twenty-five (25) feet, except that, where property abuts a railroad where siding facilities are used, structures may be built to railroad property lines.

Lot Coverage (Maximum for Principal and accessory buildings): sixty-six and two thirds percent (66 2/3%).

Height Regulations (Maximum): forty (40) feet in height, or two (2) stories.

Display and Storage: Outside display is permitted in the front yard set back. All bulk storage shall be appropriately and safely located in the rear yard as to not cause any hazardous conditions.

Access to I-2 Sites: Generally, not more than three (3) entrance and exit drives per shall be permitted to minimize the impact on the surrounding residential uses. The Planning Commission in consultation with the Code Enforcement Officer shall determine the appropriateness of the number of drives and their location.

Parking: Parking shall comply the parking regulations of the City as to number, size, location and orientation of spaces as defined in Article 4, Off-Street Parking and Loading. Parking lots that directly serve the permitted and conditional uses may be located within the parameters of the yards as stated in the above requirements. No parking is permitted in the side or rear yard when adjacent to a residential district.

Section 208. Home Occupations.

A business, occupation, or profession may be carried on in a residential structure in one of the preceding residential districts only if it complies with all of the following:

1. Does not require the employment of persons on the premises in addition to the residing family;
2. Does not require the sale of commodities on the premises that are not produced on the premises;
3. Does not involve the use of commercial vehicles;
4. Does not require the use of more than two rooms otherwise normally considered as living space;
5. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use;
6. Has only one sign, which shall not be in excess of one square foot to denote the business, occupation, or profession; and
7. Does not involve the display of goods or services.

Existing home occupations in a residential structure in a residential district at the time of the passage of these regulations which do not comply with this ordinance are to be considered a nonconforming use as defined and regulated in Section 210.

Home occupations may **not** be located in accessory buildings.

Section 209. Conditional Use Permit

A Conditional Use Permit may be granted for a use in a particular zoning district when it is shown that such use in a specified location is beneficial and shall not negatively affect the surrounding uses. The conditional uses are identified in *Table 2.1 - Zoning Use Matrix*

In granting the Conditional Use Permit, the City has the ability to insure that the proposed use is appropriate and shall comply with all the conditions and standards for the location or operations as specified in the granting of a permit. The conditional use permit is specifically granted to the site, not to the owner/applicant.

Section 209.1. Criteria for Issuing a Conditional Use Permit

In determining the appropriateness of issuing or denying a Conditional Use Permit, the Planning Commission and the City Council shall consider the following factors:

- A. whether the proposed project or land use activity encourages a more efficient use of land in Stuttgart;
- B. whether there are conditions or requirements needed to address hours of operation, parking, separation from adjacent uses, lighting and similar concerns to reduce any potential impacts;
- C. whether the proposal reflects changes in the design or technology of land development;
- D. whether the proposed site plan lessens or increases traffic on the streets and highways of the City;
- E. whether the project design will facilitate land use patterns and create any positive or impact networks of streets and/or infrastructure, thereby resulting in any changes in development and maintenance costs;
- F. whether the proposed project will help to preserve the social stability as well as the property values in the City of Stuttgart; and
- G. whether the issuance of the conditional use permit for the proposed activity will permit the creation of a more desirable environment than would be possible through the application of other sections of this Ordinance.

Section 209.2. Conditional Use Permit Procedure

- A. **Application Form:** The Applicant shall contact the Code Enforcement Officer for a pre-submittal discussion. The Officer shall provide the Applicant with an application form and necessary information for the Applicant to proceed.
- B. **Filing the Application:** The Applicant shall submit an application form to the Code Enforcement Officer. Attached to the application form shall be an illustration of the proposed project/sketch plan, support materials including proposed use and conditions, and legal description of the site.
- C. **Preliminary Review:** The Code Enforcement Officer shall coordinate with the Applicant as to a date, time and place for the preliminary review of the application.

- D. Written Report: The Code Enforcement Officer shall conduct a preliminary review of the application within seven (7) days from the filing of the application.
- E. The Code Enforcement Officer shall submit a written recommendation(s) to the Planning Commission not less than seven (7) days prior to the next regularly scheduled meeting of the Commission.
- F. Public Hearing Required: As with any proposed zoning change the Planning Commission shall hold a Public Hearing for the purpose of hearing comments before recommending approval or denial of the Conditional Use Permit. The hearing shall follow the procedure outlined in Section 116.4 and 116.5 of this Ordinance.
- G. Notification to Specific Property Owners: All property owners within three hundred (300) feet of the property for which the application is sought shall be notified in writing. The notification must be given not less than ten (10) days prior to the regular public hearing on the application for the conditional use permit.
- H. A public notice shall be published at the applicant's expense at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Stuttgart.
- I. The Applicant shall be responsible for the notification process, which includes securing the names of the property owners of record and a printed notification letter approved as to form by the Code Enforcement Officer. The Applicant shall be responsible for the distribution of the notice either by mail or hand delivery.
- J. The notification form shall have such text as informs the property owners in the notification area as to the purpose and details of the request for the permit and spaces for indicating support or opposition and any comments. The forms shall be returned to the Planning Commission for inclusion in their consideration of the request.
- K. Planning Commission Report Required: Following the Public Hearing, the Planning Commission shall prepare and submit a formal report to the City Council documenting its review and consideration and recommendations.
- L. City Council Action: The City Council shall review the application and the recommendation of the Planning Commission for the conditional use permit as an item of business at a regular meeting of the City Council. The City Council shall either approve or deny the application for the conditional use permit.
- M. Record of Conditions Imposed: When the City Council approves the issuance of a conditional use permit, the conditions imposed on the Applicant must be cited on the application form and a copy of that form must be permanently filed in the office of the City Clerk.
- N. The Conditional Use Permit may be granted for a specific period of time (one year, 2 years or more) or as a permanent permit. The time shall be specified in the conditions of the permit.
- O. Renewal of the Conditional Use Permit: A conditional use permit may be renewed for the same period of time if requested in writing to the Code Enforcement thirty (30) prior to the expiration of the permit provided there have not been any violations

of the conditions of the permit or substantial complaints or problems affecting the surrounding area. If the Code Enforcement Officer has concerns about the renewal, he shall refer it to the Planning Commission and subsequently by the City Council and to be considered in the same process as a new permit.

- P. Noncompliance: Failure of the holder of the permit to honor and abide by the terms of a conditional use permit constitutes immediate and automatic termination of the permit. The Code Enforcement Office shall notify a said holder of such termination, and within thirty (30) days of such notification, the holder must terminate all land use activities relating to the conditional use permit. Thereafter, the site may be used only for activities listed as "uses permitted by right" within the appropriate zoning district.
- Q. A Conditional Use Permit certificate shall be issued to the applicant for display on the premises.

Section 210. Nonconforming Buildings, Structures and Uses of Land

A nonconforming building or structure is a use, activity or building that was in legally existing at the time of adoption of this Ordinance, but not in conformance with the adopted District requirements. The use, structure or lot rendered nonconforming by the provisions of this Ordinance may be continued and maintained except as otherwise provided in this Section.

A. Alteration, Enlargement or Relocation of Buildings and Structures

A building or structure that is conforming as to use, but is nonconforming as to yards or height or off-street parking space, may be structurally enlarged or added to provide that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located.

No nonconforming structure or building shall be moved, in whole or in part, to another location unless every portion of such building or structure is made to conform to all the regulations of the district in which it is to be located.

Nothing in the provisions of these regulations shall in any manner prevent or prohibit normal maintenance of the premises.

B. Discontinuance of a Nonconforming Use

If a nonconforming use or a portion thereof is discontinued for a continuous period of six (6) months or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which building or structure is located.

A building, structure or portion thereof or land used for a nonconforming use, which is or becomes vacant and remains unoccupied for a continuous period of six (6) months, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located

C. Destruction of Nonconforming Buildings or Structures

Any structure developed prior to the passage of this ordinance that complied with former Ordinance standards but has been rendered substandard by the new Ordinance may be termed a preexisting nonconforming structure. In the event of damage or destruction, it may be rebuilt completion at the original site with construction commencing within one year following the destruction and completion within one (1) years. The reconstructed building or structure shall not exceed the original dimensions of the nonconforming building or structure.

D. Damage or Destruction of Buildings or Structures

If any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion, or other casualty, such structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided such repair or reconstruction is commenced and completed within one (1) year of the date of such damage or destruction. In no event shall the structure be rebuilt, repaired or otherwise altered to increase the floor space or height of the original building in which the nonconforming use was conducted.

E. Change in Use

Any changes to the nonconforming use shall be one that shall bring it into conformance with the uses permitted in the District in which the use is located.

F. Land

A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance. If such nonconforming use or portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

G. District Changes as applied to Nonconforming Uses

Whenever boundaries of a zoning district are changed to transfer an area from one district to a different classification to another, these provisions shall also apply to any nonconforming uses.

H. Procedures for Application and Review

The procedures for application and review shall be the same as those for a Conditional Use Permit with the exception that all notifications and posted signs must make reference to a request for alteration, enlargement or relocation of the nonconforming use.

Section 211. Zoning Board of Adjustment

Section 211.1. Establishment

The Zoning Board of Adjustment was established by the City Council as a separate function of the Stuttgart Planning Commission. The principal duties of the Zoning Board of Adjustment are to hear appeals, and where appropriate, grant variances from the strict application of the Zoning Ordinance.

Section 211.2. Organization

A. Officers

A Chairperson and Vice Chairperson may be elected annually by the Zoning Board of Adjustment from among its membership. The Chairperson may, but not necessarily, be the Chair of the Planning Commission. In his/her absence, the Vice Chairperson, shall preside. The Chair shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

The terms of office shall be the same as the Planning Commission.

B. Rules and Meetings

The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance.

Meetings shall be held on an as needed basis and shall be noticed in the same manner as a public hearing.

If the meeting is held in conjunction with the regular meeting of the Planning Commission the Chairperson of the Planning Commission shall adjourn the Planning Commission meeting and prior to the Chair of the Zoning Board of Adjustment commencing the Zoning Board of Adjustment meeting.

All meetings shall be open to the public.

The Zoning Board of Adjustment shall keep separate minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Board of Adjustment.

A quorum of the Zoning Board of Adjustment shall consist of five (5) members. The concurring vote of five (5) of the Zoning Board of Adjustment members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this Ordinance.

Section 211.3. Powers and Duties

The Zoning Board of Adjustment shall have all the powers and duties prescribed by law and by this Ordinance, which are described as follows:

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Zoning Ordinance. The Zoning Board of Adjustment may affirm or reverse, in whole or in part, said decision of the administrative official.

B. Variances

An appeal in specific cases such variance from the terms of this Zoning Ordinance as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.

The Zoning Board of Adjustment shall not grant a variance from the terms of this Zoning Ordinance unless and until the applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district:

1. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance;
2. that special conditions and circumstances do not result from the actions of the applicant; and
3. that granting the variance requested shall not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.

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

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

The Zoning Board of Adjustment shall further make a finding that the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare. In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

Under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a use not permitted under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

C. Special Exceptions

In addition to the powers and duties specified above, the Zoning Board of Adjustment shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Ordinance.

2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

Section 211.4. Procedure for Appeals to the Zoning Board of Adjustment

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the administrative official.

A. Appeals and Applications

Appeals to the Zoning Board of Adjustment shall be made in writing on the application form prescribed by the Zoning Board of Adjustment within ten (10) days after the administrative official has rendered the decision. Every appeal or application shall refer to the specific provision of the Zoning Ordinance of the Unified Development Code involved and shall exactly set forth as to:

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

The appeal or application shall be filed with the officer from whom appeal is taken who shall transmit it immediately to the Zoning Board of Adjustment. All documents constituting the record upon which the action appealed from was taken shall be included in the application.

A filing fee shall be submitted to the City Clerk with every application in accordance with the City's adopted fee schedule.

B. Public Notice and Hearing

The Zoning Board of Adjustment shall fix a reasonable time for the public hearing of an appeal, cause public notice to be given of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time.

Said public notice shall be published at the applicant's expense at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Stuttgart. The public notice shall give the particular location of the property on which the appeal is requested, including a legal description and an address (if no address is available, a description which is clear to the average person will suffice), as well as a brief statement of what the appeal consists.

Each applicant for the variance shall be required to post a sign obtained from the City on the property for which the variance is being sought at least seven (7) days prior to the date of the public hearing. This sign shall be in plain view of and easily readable from a public street, state the variance being sought, and give the place, date, and time of the public hearing.

The applicant shall make a deposit of not less than the cost of replacing the sign, whichever is greater for said sign refundable if returned. The applicant shall obtain the sign from the City of Stuttgart and shall pay a fee as established by the City of Stuttgart for the sign. The fee is not refundable and the sign is not required to be

returned. In addition, the applicant shall be required to notify by certified letter with return receipt and/or petition, all property owners within three hundred (300) feet of his property of his intentions to seek a variance, not less than seven (7) days prior to the hearing. The applicant shall state the date and time and location of the public hearing and describe the requested variance with the certified letter and/or petition. The postmarked certified receipts and/or return receipts and/or petition shall be submitted to the City not less than five (5) days prior to the meeting of the Board of Zoning Adjustment along with a map showing the location of the property in question, as well as the owners within 300 feet of the property and a letter from the applicant certifying that the map shows a complete list of those property owners.

Each applicant must submit, at least ten (10) days prior to the public hearing, a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

C. Effect of Appeal

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

D. Decision Final

The decision of the Board of Adjustment is final. Any further action shall be the jurisdiction of the District Court of the County of Arkansas.

Section 212. Changes in District, Use Classification or Amendments

Any person, firm or corporation having a proprietary interest in any property within the corporate limits and the designated territorial jurisdiction of the City of Stuttgart, Arkansas may request a change or amendment to the zoning classification of such property or use. The applicant may file an application for such change or amendment with the Secretary of the Planning Commission not less than thirty (30) days prior to a regular monthly meeting upon receipt of all supporting documents.

A. Authority to Amend

The Stuttgart City Council may on its own motion, or on petition from a property owner, or on recommendation from the Planning Commission, amend the boundaries of the land use master plan, the zoning districts or the regulations established by this Ordinance. An amendment application submitted by private persons must be accompanied by an application and a filing fee to cover the costs of processing and review.

B. Application

The application shall clearly state the requested change or amendment and be accompanied by the following. Any zoning change request that is inconsistent with the Land Use Master Plan shall be preceded by or accompanied by an application for an amendment to the Land Use Master Plan.

1. A drawing, at a scale of not less than one inch (1") to two hundred feet (200'), indicating the following:
 - a. Existing zoning district classifications;
 - b. Proposed zoning district classifications in a format that identifies boundaries between different zoning districts;
 - c. Stuttgart Comprehensive Municipal Plan features, whether existing or proposed, from any or all of the following elements: Future Land Use Plan and Streets Master Plan;
 - d. The location of any high voltage electrical lines, transmission pipelines and associated easements.
2. A vicinity map indicating the general location of the subject property.
3. A metes and bounds description of the subject property printed on an 8 ½" x 11" sheet of paper. (sealed?)
4. An 8 ½" x 11" black and white film positive reduction of the above drawings and/or digital files of above drawings in a format acceptable to the City of Stuttgart.
5. A filing fee shall be submitted to the City Clerk with every application in accordance with the City's adopted fee schedule.

C. Determination

The Planning Commission shall determine whether the extent and boundaries of the area proposed to be changed are such as to constitute a new district or an extension of an existing district.

Based on the Planning Commission's determination of an area proposed to be changed, the Planning Commission shall schedule a public hearing before the Commission not more than thirty (30) days from date of filing. The applicant

shall publish a notice on a form provided by the city indicating the nature and location of the request, and stating the time and place of the public hearing on the proposed change in Zoning District classification. The notice shall be published at least once not less than fifteen (15) days preceding the date of such hearing, in an official paper or a paper of general circulation in Stuttgart; said notice shall contain description of property and change proposed. The Applicant shall pay for the cost of the publication of the notice. The Planning Commission shall give or cause to be given such additional notice of such hearing to interested persons and organizations, as it shall deem feasible and practicable.

If the Planning Commission officially recommends denial of the requested change or amendment, and the applicant desires no further action on the requested change or amendment beyond the disapproval of the Planning Commission, twenty five percent (25%) of the original filing fee and twenty five percent (25%) of the site plan review fee, if any, shall be refunded to the applicant.

D. Informational Zoning/Plan Change Signs

Upon the filing of a request for an application to change the zoning on a lot/tract of property, change Comprehensive Plan Future Land Use or for the issuance of a Conditional Use Permit, the applicant shall be required to place an informational sign on said lot/tract of property within five (5) days after the date that the application was filed as follows:

1. The size of the signs shall be two feet (2') by two feet (2') and be made out of aluminum or corrugated plastic material.
2. The signs shall be mounted on stakes/poles.
3. The signs shall be visible and legible from the street.
4. There shall be one (1) sign for each street frontage.
5. The sign shall have a white background, with the letters and borders being black in color. The sign shall state on the of the following, as applicable:

CITY OF STUTTGART, ARKANSAS – ZONING REQUEST IS BEING MADE ON THIS PROPERTY. FOR INFORMATION, CALL...” (The phone number of the City Inspection Office shall be placed on the sign.)

- E. Public Hearings Required Prior to Amendments:** The Planning Commission shall hold a public hearing before preparing and submitting a zoning amendment report to the City Council. A public hearing shall also be held by the City Council before it approves or rejects the reported recommendations of the Planning Commission.

Notice of the public hearing shall be published in a newspaper in general circulation in Stuttgart not less than fifteen (15) days prior to the hearing.

- F. Notification to Specific Property Owners:** When a proposal is made to amend the zoning map, all property owners with land lying within three-hundred (300) feet of the property for which the zoning classification change is sought must be

notified in writing. The notification shall be given not less than ten (10) days prior to the regular public hearing on the amendment proposal. The Applicant shall be responsible for the notification process.

G. Review by Planning Commission and City Council

Following the public hearing, the proposed change in zoning classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.

1. The City Council may, by majority vote, accept, reject, or modify the recommendation pertaining to the proposed change in zoning classification. The City Council may also return the request to the Planning Commission for additional review and recommendations.
2. If the Planning Commission disapproves a proposed change in zoning classification, notice of disapproval with the reasons for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision.
3. Following disapproval of a proposed change in zoning classification by the Planning Commission, the applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.

H. Requirement of a Three-Fourths Majority Vote by the City Council

The City Council must approve a proposed map or text amendment by a three-fourths (3/4) majority vote where the proposed amendment is denied by the Planning Commission.

I. Limits on Zoning Amendment Reapplication

In order to insure the stability of land use within Stuttgart, no reapplication for a zoning amendment to the map or text of this Ordinance shall be accepted by the City within a period of one (1) year from the date of the City Council's denial of an initial application. Upon receipt of documentation from the applicant that conditions have materially and substantially changed in Stuttgart since the initial submission, and further evidence that such changes justify a rehearing of the matter; the City Council may waive the mandatory holding period and authorize the Planning Commission to accept the application.

J. Concurrent Applications

Zoning changes and amendments may occur concurrently with Annexation requests or Changes to the Comprehensive Municipal Plan.

Section 213. Penalties

Violation of the regulations contained in this Ordinance is a misdemeanor and is punishable by a fine of up to five hundred dollars (\$500.00) per offense, confinement, or both fine and confinement. Each day that a violation exists constitutes a separate offense.

Section 214. Invalidity and Saving Clause

Invalidity of a Part: In the event that any portion of this ordinance is found invalid or unconstitutional by a court of proper jurisdiction, the remainder of the ordinance shall not be invalidated, but shall remain in full force and effect.

Savings Clause: All rights or remedies are expressly saved as to any and all violations of any previous zoning ordinance or amendments to it that have accrued at the time of the effective date of this ordinance. All existing violations of the previous zoning ordinances that would otherwise become nonconforming uses of land and structures under this ordinance shall be considered as violations of this ordinance in the same manner that they were violations prior to its enactment.

Section 215. Fees

All fees shall be in accordance with the fees adopted by the City in a separate document.

Table 2.1, Zoning Use Matrix begins on the following page.

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Agricultural											
Agricultural Activities	P										
Farms, truck gardens	P										
Horticulture and floriculture	P										
Agriculture research center	C										
Stables	P										
Residential											
Dwelling, single- family detached	P	P	P	P	P	P					
Dwelling, duplex				P	P						
Dwelling, manufactured home					P	P					
Dwelling, multi-family/apartment				C	P			C	C		
Dwelling, patio home (zero lot line)				P	P						
Dwelling, second floor residential unit							P				
Dwelling, single-family attached (townhome)			C	P	P		P				
Group home								C	C		
Group care facility					P			C	C		
Accessory uses (subject to District Regulations)	P	P	P	P	P	P	P	P	P		
Recreation facility, private	C	C	C	C	C	C					
Public and Institutional											
Airport or landing field	C										C
Ambulance service, headquarters post								P		P	P
Cemetery, mausoleum or crematoria	C										
Churches and related uses	C	C	P	P	P	C	P	P	P		
College dormitory				C	C		C	C			
College, university or seminary				C	C		C	C			
Community buildings or places of public assembly							P	P	C	C	
Country clubs and golf courses	C	C						P			
Fraternal lodge, service organization or clubhouse				C	C			P			
Government offices							P	P	P	P	P
Golf course (public)	C							P			
Library, art gallery, studio, museum				P	P		P	P			
Public parks and playgrounds		C	P	P	P	P	P				
School, public		C	P	P	P			P			
School, private or denominational		C	P	P	P			P			
School, trade or commercial							P	P			

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Health Care											
Clinic (medical, dental, optical), health services							P	P	C		
Community welfare or health center							C	P	C		
Convalescent home						C		P	C		
Hospital								P			
Optician services and eyewear sales								P	P		
Personal Services											
Barber or beauty shop							P	P	P		
Childcare facility					C	C		P	P		
Health studio or spa								P	P		
Laundromat							P	P	P		
Laundry, dry cleaning							P	P	P	P	
Pharmacy or drugstore							P	P	P		
Massage therapy							P				
Tailoring and alteration service							P	P	P		
Office, Commercial and Retail											
Amusement, commercial (inside)							C	C			
Amusement, commercial (outside)								C			
Animal/veterinary clinic (enclosed)								P	C		
Animal pound or kennel	C							C			
Antique shop with repair							P	P	C		
Appliance sales, service, and rentals							P	P			
Auction, general merchandise							C	P		P	
Bakery or confectionery shop (retail)							P	P	P	P	P
Bank: branch or similar institutions							P	P	P	P	P
Bar, lounge or tavern								C			
Bed and breakfast house				C	C		P		C		
Beverage store								P			
Bowling alley								P			
Bus station and terminal							P	P		P	P
Butcher shop							C	P		P	P
Camera sales and service							P	P	P		
Catering services /home cooking								P	C	P	
Clothing store sales or rental							P	P			
Convenience food store w/ gas sales								P	C	P	P
Dairy product sales							P	P	P		
Delicatessen							P	P	P		
Department store								P			
Eating place with drive-in service								P	C	P	P

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Eating place without drive-in service							P	P	C	P	P
Feed store	C							P		P	P
Florist, flower or plant shop							P	P	P		
Funeral or mortuary services							C	P	C		
Furniture rentals							P	P			
Furniture store (new)							P	P			
Upholstery shop							P	P	C	P	
Golf driving range	C							P			C
Grocery store							P	P	P	P	
Hardware or sporting goods store							P		P	P	
Hobby shop							P	P	P		
Home center								P		P	P
Hotel or motel							C	P			
Jewelry manufacturing							P	P		P	
Jewelry store							P	P	P		
Music and musical instrument shop							P	P	P		
Newsstand, book or stationery store							P	P	P		P
Office equipment sales and service							P	P			P
Office, general or professional							P	P	P		P
Office, showroom and warehouse								P			P
Office supply store							P	P	P		
Paint and home decorating store							P	P	P		P
Parking, commercial lot or garage							C	P		P	P
Pawnshop							C	P		P	P
Pet shop							C	P			
Photography studio or gallery								P			
Plant nursery, lawn and garden center	C							P			
Printing/graphic reproduction							P	P		P	P
Recreational vehicle storage						C				C	P
Seasonal and temporary sales, outside	C						C	P		P	P
Secondhand store, used furniture, resale or rummage shop							C	P		P	P
Shoe sales or repair							P	P			
Shopping center < 3,500 sq. ft.								P			
Shopping center > 3,500 sq. ft.								P			
Skating rink (ice or roller)									P		
Stereo/audio equipment sales/service							P	P	P		
Studio (art, music, speech, drama, dance or other artistic endeavors)							P	P	P		

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Swimming pool, sales and supply								P		P	
Theatre, drive-in									p		
Theatre, not drive-in							P	P			
Tool and equipment rental (no outside display)								P		P	P
Travel bureau							P	P	P		
Video rental and sales							P	P	P		
Automotive											
Automotive auction								C		P	P
Auto glass or muffler shop								P		c	P
Auto or truck rental and leasing								P		P	P
Auto painting or body rebuilding shop								P		C	P
Auto parts and accessory sales								P		C	P
Auto parts, sales with limited parts installation								P		C	P
Auto or truck rental or leasing (no service, sales, or repair)								P		C	P
Auto repair								P		P	P
Auto service stations (fuel)							C	P		P	P
Automobile or motorcycle sales, service or rentals								P		P	P
Auto/car wash								P		C	P
Tire re-treading or recapping							C	P		C	P
Tool and equipment rental (with outside display)								P		C	P
Truck stop/travel plaza								P		C	P
Truck or tractor sales or repair										C	P
Industrial											
Agricultural products processing										P	P
Bookbinding											P
Bottling plant											P
Building material sales								P		P	P
Bulk storage of highly flammable and/or hazardous materials											C
Bus or truck storage or garage										P	P
Cabinet and woodwork shop								P		P	P
Contractor maintenance yard											P
Drilling for materials	C										C
Electronic manufacturing										P	P
Foundry or metal works										P	P

Exhibit 2.1 - Zoning Use Matrix

Use Type	Zoning District										
	A	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2
Fruit and vegetable packaging and distribution	C									P	P
Grain elevator or feed mill	C									C	P
Hauling and storage company								P			P
Junk or salvage yard											P
Laboratory, manufacturing										P	P
Landscape service								P			P
Laundry, industrial										P	P
Light fabrication/assembly process										P	P
Lumberyard										P	P
Machine or welding shop											P
Machinery sales and service											P
Manufacturing										P	P
Measuring Instruments/scales											P
Mini-warehouse								P		P	P
Mobile home sales								P			P
Motor freight terminal											P
Office, warehouse											P
Petroleum products, storage and wholesale											P
Plumbing, electrical, HVAC shops								P		P	P
Sand, gravel or earth sale and storage											P
Taxidermist								P			P
Warehouse and distribution facilities								C		P	P
Wholesale								C		P	P
Wood products manufacturing										P	P
Utilities											
Utility storage yard										P	P
Utility substation	C										P
Communication, receiving or transmitting towers, and facilities	C									C	C
Recreational vehicle camping area	C										

P = Permitted Use C = Conditional Use Permit required Blank = Not permitted

ARTICLE 3, SUBDIVISION ORDINANCE

Title, Purpose, Authority, Regulations and Requirements

Section 301. Title

Subdivision Ordinance

Section 302. Purpose

The subdivision of land is a valid function of municipal government. The regulations, requirements and procedures established by these Ordinance regulations encourage the development of a quality environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities, and other needs necessary to ensure the creation and continuance of a healthy, attractive, safe and efficient community.

The application of these regulations serves the present and future interests of both the public and private parties that have interests in property affected by these regulations. The Ordinance provides for the granting of certain rights and privileges by establishing a fair and rational procedure for developing land. The following requirements encourage development and redevelopment in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Stuttgart, Arkansas:

- Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the City's *Municipal Comprehensive Plan* and Zoning Ordinance
- Guide and assist the applicant for subdivision in the correct procedures to be followed and to inform them of the standards which shall be required;
- Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- Assist orderly, efficient and coordinated development within the city and its territorial jurisdiction;
- Provide neighborhood protection and prevent the development of slums and blight;
- Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- Prevent pollution of the ground, air and water; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise preservation, use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- Preserve the natural features of the municipality and to ensure appropriate development with regard to these natural features;
- Establish adequate and accurate records of land subdivision;
- Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the extraterritorial jurisdiction;

- Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize the conflicts among the various uses of land and buildings; and
- Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities.

Section 303. Authority

This Article shall be applicable to the filing of plats and the subdivision of land in the corporate city limits of the City of Stuttgart adjusted by annexation or disannexation and in its territorial jurisdiction as provided by Chapter 441-201 of the *Arkansas Code of 1987 Code Annotated as amended (A.C.A.)*. The city shall have all remedies and rights provided by such chapter with regard to the control and approval of subdivisions and plats both within the city and within its territorial jurisdiction.

Section 304. Interpretation

The interpretation and application of the provisions of these regulations assure the City Council on behalf of the citizens of Stuttgart that the principles, standards and requirements provided for shall be minimum requirements for the platting and developing of subdivisions in the City of and its territorial jurisdiction.

This article establishes the minimum standards for development in concert with the City of Stuttgart's current design and construction standards and all other applicable ordinances, codes and requirements. The *Stuttgart Municipal Comprehensive Plan* expresses policies designed to achieve an optimal quality of development in the urban area. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the comprehensive plan and in this chapter and are encouraged to exceed the minimum standards required by this Ordinance.

Section 305. Conformance with the *Stuttgart Municipal Comprehensive Plan*

No plat or subdivision of land within the City of Stuttgart, or in its one (1) mile territorial jurisdiction shall be approved unless the plat conforms to the *Stuttgart Municipal Comprehensive Plan* Future Land Use Plan and to the goals, objectives, and policies pertaining to land use, housing, transportation, infrastructure, and other significant subjects identified in that document.

Section 306. General Policies for Subdivision Plats

The following general policies apply in the administration and enforcement of this Ordinance.

- A. No plat of a subdivision within the corporate limits or the territorial jurisdiction shall be recorded until a final plat, accurately describing the property to be conveyed, has been prepared in accordance with these subdivision regulations and approved by the Planning Commission and signed by the Mayor.
- B. No building repair, plumbing, or electrical permit shall be issued by the City of Stuttgart for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record or on which these standards have not been complied with in full.
- C. The City shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, or in which these standards have not been complied with in full.

- D. The City shall not sell or supply any water or provide sewage collection or treatment services in a subdivision where a final plat has not been approved and filed for record, or in which the requirements and standards contained or referred in this Ordinance have not been complied with in full.
- E. No certificate of occupancy shall be issued for a structure on a lot in a subdivision for which a final plat has not been approved and filed for record, or in which the standards contained, or referred to in this Ordinance have not been complied with in full.
- F. If any subdivision exists where a final plat has not been approved or in which the standards have not been complied with in full, the City Council shall pass a resolution identifying the existence of noncompliance or failure to secure final plat approval in accordance with the provisions of this Section of the Ordinance. The City Clerk shall, when directed by the City Council, shall file a certified copy of the resolution under the corporate seal of the City of Stuttgart in the Deed Records of Arkansas County. If full compliance and final plat approval met after the filing of the resolution, the City Clerk shall file an instrument in the Deed Records of Arkansas County stating that the noncompliance is no longer applicable.
- G. The provisions of this Ordinance shall not be construed to prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any existing lot or building tract, or prohibit the repair, maintenance, or installation of any street or public utility services for, to, or abutting any lot, where the last recorded conveyance of such lot or tract prior to the passage of this Ordinance was by metes and bounds; or where a building is in existence on the lot prior to the adoption of this Ordinance; or where such subdivision whether by recorded plat or by actual occupancy and use, was in existence prior to the adoption of this Ordinance.

Section 307. Plat Required

The provision of this Ordinance shall apply to the following forms of land subdivision and development activity:

- A. The division of land into two (2) or more lots, tracts sites, or parcels; or
- B. The division of land previously subdivided or platted into lots, tracts sites, or parcels and not recorded, that were subject to and not in accordance with the adopted subdivision regulations in effect at the time of such subdividing or platting; or
- C. The dedication or vacation of streets, firelanes and alleys through any tract of land regardless of the area involved; or
- D. The vacation of a previously recorded subdivision plat; or
- E. Permanent public or semi-public spaces such as golf courses, recreational uses, institutional uses, schools, open spaces, park areas and similar uses; or
- F. Any other development on an undeveloped or semi-developed site within the corporate limits or territorial jurisdiction.

Section 308. Exemptions from Platting

The provisions of this Ordinance shall not apply when there is:

- A. Land legally platted and approved prior to the effective date of this Subdivision Ordinance except as otherwise provided in this Ordinance as in the construction of facilities to meet the current design and construction standards;
- B. Construction across lot lines where the combination or recombination of previously platted lots creates a buildable site and where the total number of lots is not increased and the resultant lots are equal to or exceed the requirements in the zoning district. *See Section 317. Combination of Small Lots into a Buildable Lot.*
- C. Division of land into parcels greater than five (5) acres by metes and bounds, if on each newly created parcel there are no improvements or alterations currently proposed. When development is to occur and prior to the construction of public infrastructure and issuance of building permits, the property shall be platted in accordance with these regulations.
- D. Divisions of land created by order of a court of competent jurisdiction.
- E. Subdivision development that is exempt by state law.

Platting Procedures and Requirements

The purpose of the following procedures and requirements is to establish the procedures and requirements for the submittal, review, recommendation, consideration and action by the Planning Commission and City Council to provide the necessary details and orderly processing of the subdivision of land in the City of Stuttgart and its territorial jurisdiction.

Section 309. Preapplication

Prior to preparing and submitting an application for land study or the preliminary plat to the City, the applicant or subdivider is advised to request a preapplication conference, an informal meeting, with the designated administrative officer in order to seek and receive advice on the procedures and requirements of this Ordinance.

Section 310. Land Plan Approval

The purpose of the land plan is to allow the Planning Commission to review the proposed development and its effect on major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive plan, and the property's relationship to adjoining subdivisions or properties.

- A. A land plan (general plan, master plan, concept plan) shall be submitted to the administrative officer for review by the Planning Commission for approval in concept, prior to, or in conjunction with the submittal of preliminary or final plats, except as noted below, for any tract of land over twenty five (25) acres in size proposed for residential use or any parcel proposed for nonresidential use over ten (10) acres. If the administrative officer determines that an area less than twenty five (25) acres contains unique features or is surrounded by existing or proposed subdivisions with potential limited access, a land plan may be required to be reviewed prior to the preliminary or final plat submittal.
- B. Where a phased or partial development is proposed, the land plan area shall include the entire property. Where the applicant can demonstrate that natural or man-made features, such as creeks and thoroughfares, make unnecessary the inclusion of the entire property in the land plan to adequately review the items listed in the preceding paragraph, the

subdivider may request approval from the administrative officer for a submittal of smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller land plan area.

- C. A land plan shall not be required if the preliminary plat(s) contains sufficient information to provide for proper coordination of development.
- D. The submittal of the land plan shall be accompanied by the completed application as specified by the city. The submittal fees as established in a separate ordinance shall accompany the application.
- E. Any land plan or plat subdivision involving a change to a proposed corridor in the City of Stuttgart Master Street Plan shall be preceded by submission and approval of a traffic impact analysis if required by the administrative officer. Failure to provide for such approval prior to submission of a land study or plan may be grounds for denial.
- F. The approval in concept of the land plan by the Planning Commission does not constitute approval of the subsequent plats within the plan boundaries.
- G. The graphic requirements for the land plan are as follows:
 - 1. Plan drawn to such scale as needed to be easily read. A graphic scale shall be shown on the plat;
 - 2. A title block within the lower right-hand corner of the land plan that includes type (preliminary, final, replat, etc.) and name of plat, legible name and address of owner and design firm, name of development, date, and a graphic scale indicating the scale at which the drawing is prepared;
 - 3. A vicinity map in the upper right hand corner that delineates the site, major thoroughfares, freeways, watercourses and ditches;
 - 4. The legal description of the tract according to the abstract and survey records of Arkansas County, Arkansas. A metes and bounds description is optional.
 - 5. North clearly indicated to the top or left of the study;
 - 6. The perimeter of the boundary shall be drawn in bold solid line;
 - 7. The location, width, and names of all existing or platted streets or other public rights-of-way within 200 feet of the tract;
 - 8. Railroad rights-of-way;
 - 9. Topography with contours at a maximum of five-foot intervals;
 - 10. Existing drainage channels or creeks, and other important natural features,
 - 11. Existing pipelines, fee strips, and easements,
 - 12. All applicable jurisdictional and district boundaries, including airport zones, special districts;
 - 13. The proposed layout, classifications and right-of-way widths of all proposed collectors, arterials and thoroughfares and their relationship to adjoining sections showing coordination with the Master Street Plan;
 - 14. A general arrangement of land use cells, including residential tracts, multifamily tracts, commercial development, private open space, flood plains and drainage

ways, and proposed maximum square footage of nonresidential uses and maximum multi-family residential densities;

15. The proposed phasing of development or the order of platting; and
16. Conceptual utility plan, water, wastewater, and drainage.

Section 311. Preliminary Plat

A preliminary plat of any proposed subdivision shall be submitted for Planning Commission for review and approval in compliance with the schedule and following requirements as set forth in this Ordinance.

- A. The preliminary plat accompanied by the completed application as provided and appropriate fees at least twenty-one (21) days prior to the Planning Commission meeting at which it will be considered.
- B. The currently required number of prints of the proposed subdivision, drawn on sheets at a size of twenty-two inches by thirty-four inches (22" × 34") and drawn to a minimum scale of one hundred feet to the inch (1" = 100'), shall be submitted in the number of copies specified by the city. The required number of copies and reductions (11" × 17") shall be as specified by the City.
- C. The preliminary plat shall be in accordance with the applicable land plan and all approved comprehensive, water, sewer, and thoroughfare plans.
- D. The preliminary plat shall be prepared by an engineer or surveyor.
- E. The administrative officer shall be furnished with copies of letters verifying contact with the following agencies:
 1. The City Engineer or appropriate drainage district engineer shall furnish a letter stating that the proposed subdivision complies with the local drainage requirements.
 2. The appropriate school district official, stating that the school district has reviewed the land plan of the proposed subdivision and the preliminary subdivision plat for planning purposes.
 3. All applicable utility companies including gas, light and telephone, stating that the utility companies have knowledge of the proposed subdivision and are currently negotiating the necessary service easements. A copy of the preliminary plat shall be sent to the utility company at this time for the establishment of the easements.
 4. The post office, stating that postal service will be available.
 5. If any of the following items exist, the applicant shall indicate on the plat or separate exhibit:
 - a. The location of all existing property lines;
 - b. Existing lot and block numbers and date recorded;
 - c. Existing buildings;
 - d. All known existing sewer or water mains, gas mains or other underground structures whether public or private;
 - e. Recorded easements;
- G. The submittal of the preliminary plat shall be accomplice by construction drawings that identify in detail the proposed infrastructure (streets and utilities) and site improvements in accordance with the design and construction specifications of the City.

- H. Following review of the preliminary plat, construction drawings and other materials submitted, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning Commission shall act thereon as submitted or modified. If approved, the Planning Commission shall so state its approval or state the conditions for such approval, if any, or if not approved, its reasons.
- I. Approval of a preliminary plat shall be effective for one year; however, the Planning Commission is hereby authorized to extend this the approval for one (1) additional year upon the request of the applicant.
- J. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval of the construction plans. The subdivider may, at his own risk, undertake certain ground excavations for clearing, grading and drainage purposes. Any required permits shall be issued prior to commencement of work.
- K. The graphic requirements for a preliminary plat are as follows:
1. Plat shall be drawn to such scale as needed to be easily read. A graphic scale shall be shown on the plat.
 2. A title block within the lower right-hand corner of the land plan that includes name, address and phone number of owner and engineering or surveying firm.
 3. Name of development and any designation of phase, addition or section.
 4. North arrow, date and other pertinent data oriented to the top of the sheet
 5. Contours with intervals of one foot or less shown for the area with all elevations on the contour map referenced to the latest U.S.C. &G.S. data. If no contours exist on-site or immediately adjacent to the site, spot elevations may be used as a substitute for contour lines. Spot elevations shall be no farther apart than five hundred (500) feet.
 6. All physical features of the property to be subdivided including location and size of all watercourses, 100-year flood plain according to Federal Emergency Management Agency (FEMA) information.
 7. A vicinity map, or location map, that delineates the location of the proposed subdivision with respect to major thoroughfares, watercourses and ditches. The vicinity map shall be located in the upper right-hand corner of the drawing.
 8. The boundary lines, abstract lines, survey lines, corporate boundaries, district boundaries, existing or proposed highways and streets.
 9. The name and location of all adjoining subdivisions, unplatted land and property owners, existing or proposed streets, alleys, railroads, easements, and any other features that may influence the layout of development within 200 feet of the boundary of the proposed subdivision. These features shall be drawn to the same scale shown in dotted lines adjacent to the proposed subdivision in sufficient detail to show accurately the existing street and alleys and other features that may influence the layout of development of the proposed subdivision. The distance from the platted area to the nearest public street intersection shall also be shown.
 10. All zoning designations of the site and within 200 feet of the site, if applicable shall be clearly noted and complied with accordingly.
 11. Proposed street names shall be shown and shall not duplicate existing street

names in the City or the territorial jurisdiction. Extensions of streets shall have the same name as the existing street. Similar spelling or pronunciations shall be avoided to prevent confusion.

12. Proposed arrangement of lots (including lot and block numbers), lot dimensions, and proposed land use. Nonresidential tract or lots shall also be shown.
13. Sites, if any to be reserved or dedicated for parks, playgrounds, schools, churches, or other public or semi-public uses.
14. Minimum building lines for plats shown either graphically or by note. All front building lines shall be shown graphically.
15. Centerline radius, existing and future right-of-way widths, and conformance to approved traffic affect analysis for all streets.
16. All proposed public utility easements shall be included as required for utility companies or the City of Stuttgart;
17. A copy of the Bill of Assurance/Deed Restrictions or restrictive covenants;
18. All preliminary plats shall be submitted in typed legible format on a readable black line paper.

The following procedures shall be followed in the submission, review, and approval or rejection of preliminary plats.

- L. Within thirty (30) days of the submittal, the Planning Commission shall review the preliminary plat, and act upon that document as submitted or as modified. The Planning Commission shall express its approval or disapproval based on whether on not the plat meets the requirements of this ordinance. If the Planning Commission disapproves the preliminary plat, it shall express its reasons for disapproval as a part of the public record. These reasons shall be conveyed in writing to the applicant.
- M. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is the authority to proceed with the construction infrastructure and site improvements followed by the preparation of a final plat.

Section 312. Construction of Improvements

Preparation of Construction Documents: In conjunction with the submittal of the preliminary plat, the Applicant shall submit plans and documents for construction of subdivision improvements in accordance with the established construction and design standards of the City of Stuttgart. Construction documents shall include all plans, details and specifications necessary for construction of infrastructure and site improvements. Construction documents shall be submitted to the designated administrative official for review, comment and recommendations.

- A. **Construction of Improvements:** The Subdivider shall pay for and is responsible for management, construction and initial inspection of all required improvements in accordance with approved construction documents. The City of Stuttgart's designated administrative official shall inspect the improvements, approve and accept the improvements into the jurisdiction of the City of Stuttgart prior to the approval of the final plat or issuance of any building permits within the subdivision.

Section 313. Final Plat

Upon completion of the infrastructure and site improvements and prior to the sale of any lots, the Subdivider shall submit the final plat for the entire area under development. The final plat shall be submitted in concurrently with the As-Built construction drawings for the in the current phase shall be submitted to the Planning and Zoning Commission for recommendation in accordance with the following.

- A. The final plat shall be in conformance with the approved preliminary plat. Any changes generated in the construction process shall be identified in detail in a letter accompanying the submittal of the final plat and As-built construction plans. These changes may include, but are not limited to, lot dimensions, street curvature, street name or any substantial change.
- B. The graphic requirements of the final plat are the same as for the preliminary plat with the addition of the following:
 1. The exact location, grade, dimension, description, and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other public rights-of-way, blocks, lots, and other sites or facilities within the subdivision, along with accurate dimensions, bearing or deflection angles and radial, area, central angles, degree of curvature, tangent distances, and length of all curves where appropriate. Global Positioning System (GPS) coordinates are recommended where applicable.
 2. Location of all survey corners and permanent monuments;
 3. Certification, dedication and acknowledgement blocks of the owner, engineer, surveyor, Planning Commission Chair and Mayor, lien holder as found in the Appendix A, fully signed, executed and appropriately sealed;
 4. A title page if the information is too large for a single sheet;
 5. General Plat Notes as appropriate as found in Appendix B;
- C. A subdivider shall submit ten (10) 22"x 34" black lines to the designated administrative official through the Planning Commission Secretary not less than twenty-one (21) days prior to a regularly scheduled meeting of the Stuttgart Planning Commission. One (1) three-mil camera positive matte finish mylar original of the plat will be required after final approval.
- D. A digital file compatible with the City's base map shall accompany the submittal.

Upon acceptance of the improvements depicted by the approved construction documents, the Planning Commission approve of the final plat and recommend to the City Council the acceptance of the offered dedication. The subdivider shall have complied with the procedures contained in these regulations. Expenditure of funds for engineering services or the preparation of a plat prior to his appearance before the Planning Commission shall not relieve the subdivider of the necessity for following the procedures, nor shall it be the basis for relief from any of the requirements in these regulations.

Section 314. Filing Fees and Charges

Filing fee charges are included in the fees charged by the City and found in the Fee Ordinance.

Section 315. Inspection and Acceptance of the Subdivision

- A. **Inspection.** The designated Code Enforcement Officer and/or the City Engineer will supervise construction. Completion of construction in conformance with this Ordinance and other codes and ordinances of the City of Stuttgart is entirely the responsibility of the Subdivider and his contractors. The responsibility of the designated Code Enforcement Officer and/or the City Engineer is to assure conformance to the final plat. Any change in design required during the construction process shall be made by the Professional Engineer whose name and seal appear on the final plat. The designated Code Enforcement Officer shall approve such changes prior to the changes being made. Any additional re-inspections may generate additional fees shall be the responsibility the Subdivider.
- B. **As-Built Plans.** Prior to approval of the final plat and the acceptance of improvements by the City of the improvements, the Professional Engineer, whose name and seal appear on the final plat, shall submit to the designated Code Enforcement Officer a complete set of drawings of the paving, drainage, water, sanitary sewer, or other improvements, showing all changes made in the plat during construction. Each sheet of As-Built drawings shall bear the date, seal and signature of the Engineer of record. In addition, one reproducible drawing of all plan sheets and digital files in .dxf format or format compatible with the City base map, containing the As-Built drawings shall be submitted to the designated Code Enforcement Officer.
- C. **Acceptance of Construction Assurances.** After the subdivision is constructed, the subdivider will submit to the City a bond or escrow fund for ten percent (10) of the construction cost guaranteeing the workmanship and the materials associated with the subdivision for a period of one (1) year from date of the final acceptance by the City Council. The designated Code Enforcement Officer will verify that all items are complete and satisfactory, including the filing of all related easements and documents pertaining to the subdivision. The designated Code Enforcement Officer, accompanied by the City Engineer, shall conduct a final inspection to ensure compliance with the terms of this Ordinance. Any items of exception noted in the inspection shall be immediately addressed to the City's satisfaction.
- D. **Acceptance pf the Subdivision.** Upon completing said inspection, the designated Code Enforcement Officer and City Engineer shall submit the results of their inspection and their recommendation for acceptance. The City Council shall approve or reject the offer of acceptance and issue a letter of acceptance or rejection to the Subdivider. Acceptance of the subdivision means that title to all improvements vests with the City of Stuttgart.

The subdivider and his contractors shall remain bound to the City for a period of one (1) year for the repair of any defects in the improvements associated with the subdivision.

Section 316. Short Form Plat

Approval of platting under the short form procedure eliminates the necessity for the submittal of a preliminary plat as required in Section 311. The short form plat shall meet all of the submittal and graphic requirements for a preliminary and final plat. Application fees for short form plats shall be paid at the time of application.

- A. The short form platting procedure may be requested if the final plat is authorized by the administrative officer and meets the following requirements:
1. No more than four (4) lots, tracts or reserves are included.
 2. The area to be platted lies within an existing public street circulation system already approved by the City Council in the Master Street Plan;
 3. The proposed development meets all the requirements of the zoning district;
 4. The plat does not propose to vacate public street rights-of-way or easements;
 5. The plat does not propose creation or extension of public rights-of-way.
 6. The proposed development does not require any significant drainage improvements, and if contained wholly or partially within the 100-year floodplain, conforms to Federal Emergency Management Agency floodplain management rules.
 7. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.
 8. The proposed development creates no variance requests.

This procedure shall not be available if there is evidence of previous repeated use by the owner of the short form plat procedure in a manner to circumvent the intent of this Article or the requirements for larger scale development.

Section 317. Combination of Small Lots into a Buildable Lot

The central area of the City has a number of very small lots that do not provide buildable areas that meet the minimal zoning requirements for lot size and building setbacks. It has been the practice to allow the combination of those lots as exempt from the platting requirements of this Ordinance. To ensure that there is proper documentation of the combination of the lots, a description and illustration of the combination shall be filed with the Building Official for approval by the Planning Commission. The submittal request shall show the two lots and adjacent properties using a "z-bar" to show the combination into one lot. If approved, the new lot shall be indicated on the City's base map and the approved request filed with the County.

Section 318. Amending Plat

Prior to recordation of the final plat, no changes or amendments to final plat shall be made without the consideration and written approval of the Stuttgart Planning Commission. After recordation of the final plat, any changes to the plat as a final plat with the exception that the. The amending plat may only show the affected lots and does not have to include all the lots in the original subdivision. The amending plat may be used to correct an error on the plat or to combine two or more lots into one lot to create a buildable site.

The graphic and submittal requirements for an amending plat are the same as a final plat and shall additionally include the reason for the plat.

Section 319. Replat

The subdivider of land for which a plat has been duly recorded with the Arkansas County Clerk submit a replat by a registered engineer or surveyor, in accordance with the procedures set for a final platting as specified in this Ordinance. All of the terms of this Ordinance will apply to the replatting process.

The graphic and submittal requirements for a replat are the same as a preliminary and final plat and shall additionally include language indicating the reason for the plat.

A residential replat requires notification of all property owners within 300 feet of the affected property prior to a public hearing at a regular meeting of the Planning Commission. Notification shall be by letter with a response form that is to be returned to the City at least one day prior to the scheduled public hearing. Publication of the notice of public hearing shall be place in the general circulation newspaper and shall meet the same requirements as a zoning change as described in Article 2, Section 212 (C., D, and F).

Section 320. Vacation of Plat

The owners of a subdivision or a lot in a subdivision may vacate the plat for that subdivision by submitting an application to vacate the plat to the Planning Commission. If approved by the Planning Commission, the City Clerk shall file a request to the Arkansas County Clerk requesting that the plat to be vacated in accordance with the *Arkansas Local Government Code*.

If lots in the subdivision have been sold, no application for vacating the plat may be accepted by the Planning Commission until all of the lot owners of record agree in writing to vacate it.

Design Standards, Specifications and Other Requirements

Section 321. General Provisions

The quality of an urban area is dependent on and reflected in the design of its individual neighborhoods. Good community design requires the coordination of efforts among land developers and the City. In order to assure such coordination for the benefit and the protection of the health, safe and general welfare of the citizens of Stuttgart, each residential subdivision constructed within the City's corporate limits and territorial jurisdiction shall be designed in accordance with the following policies:

- A. Neighborhood integrity shall be maintained in every possible instance.
- B. The residential development should be safe, efficient, and visually appealing.
- C. Arterial streets should be located on the periphery of neighborhoods with only local streets and requisite collector streets to serve the interior. Single-family residences facing or accessing an arterial street is discouraged.
- D. A variety of housing types should be encouraged throughout the City.
- E. Curvilinear streets and cul-de-sacs are encouraged. A grid pattern may be appropriate in new traditional subdivisions.
- F. Landscaping with native plants is strongly encouraged.
- G. Commercial, institutional, public, and semi-public land uses in neighborhoods should provide services that directly benefit the residents of the neighborhood.

Section 322. Acquisition of Public Sites

For a period of twelve (12) months after the initial filing of a land plan or preliminary plat by the subdivider, the Planning Commission may require the subdivider to reserve sites for public use indicated on a plan adopted in accordance with Act 186 of 1957. This shall permit the Planning Commission, City Council, other public boards, commissions or bodies having jurisdiction or financial responsibility, the opportunity to acquire appropriate sites through either purchase or dedication.

Section 323. Suitability of Land

Land located in the flood plain, floodway or otherwise subject to flooding which the Planning and Zoning Commission considers inappropriate for subdivisions shall not be platted for any use that may increase danger to health, life or property, or aggravate drainage or flood hazards. If such land is in the proposed plat, this land shall be set aside for such uses that will not be affected by periodic flooding unless adequate methods are proposed by the developer to correct the drainage or flood problem and approved by the Planning Commission.

Section 324. Monuments and Corner Markers

- A. All block corners, angle points and points of curves and all corners of boundary lines of subdivisions shall be marked with a one (1) inch steel rod, two (2) feet in length, with the top flush with the finished ground surface.
- B. Where, due to topographic conditions, permanent structures or other conditions, the view is obstructed between any two (2) adjacent monuments, intermediate monuments shall be so set as to assure a clear view between adjacent monuments.
- C. Lot corner markers, consisting of a one-half (1/2) inch steel rod or three-quarter (3/4) inch pipe, two (2) feet in length, shall be driven flush with the ground surface to mark the corners of all lots.

Section 325. Streets

The arrangement, character, extent, width, grade and the location of streets shall be considered in relation to existing and proposed streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land. Streets shall be planned, designed, sized and constructed in accordance the Master Street Plan of the *Municipal Comprehensive Plan* with consideration given to the following:

- A. **Arrangement:** The arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining subdivisions or their proper extension where adjoining property is not subdivided where they may be necessary for public requirements.
- B. **Width:** The width of new street rights-of-way in new subdivisions, adjacent arterials and collectors shall not be less than the minimum street widths established in the *Municipal Comprehensive Plan* as fifty (50) feet.
- C. **Alleys:** The minimum width of an alley shall be twenty (20) feet. Alleys may be provided at the rear of all business lots, but not be required for residential lots except under unusual conditions. A cut-off shall be provided at all acute and right angle alley intersections in accordance with City standards.
- D. **No Hardship:** The street and alley arrangement shall not cause undue hardship to owners of adjoining property.

- E. **Adjacent Dedication:** When a dedicated or platted half-street, alley or easement exists adjacent to and will serve the tract to be subdivided, the subdivider of land shall dedicate the other half of the street, alley or easement and be responsible his share of the construction.
- F. **Street Names:** A street that is to be approximately in alignment with an existing street shall bear the name of the existing street. All other streets shall be assigned names that do not conflict with names of existing streets and shall be coordinated with the Arkansas County 911 mapping system.
- G. **Paving, Curb and Gutter Required:** All streets in a subdivision shall be paved, with curb and gutter except in designated agricultural areas or rural residential subdivisions.
- H. **All Streets Identified on Plat:** Where a subdivision plat includes only one part or phase of the tract for development, a plan for the entire proposed future street system for the subdivision portion shall be prepared and submitted by the subdivider.
- I. **Ingress and Egress Points** The Planning Commission shall approve the ingress and egress points where a collector street shown on the plat enters or connects with an arterial street.
- J. **Half Streets:** Half streets are prohibited. When a half street is adjacent to a tract to be subdivided, both halves of the street shall be simultaneously platted, except when the reasonable development of the subdivision is in reasonable conformity with other requirements of this Ordinance. The Planning Commission shall determine whether it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided.
- K. **Stub or Dead-End Streets:** Stub or dead-end streets are generally prohibited. When the Planning Commission determines it is necessary to provide for street access to an adjoining property, the proposed streets may be extended to the boundary of the property and a temporary cul-de-sac terminus shall be provided. When the permanent connection of streets is constructed between subdivisions, the temporary cul-de-sac shall be removed.
- L. **Frontage Road Requirements:** When a subdivision is adjacent to a major thoroughfare, principal arterial or minor arterial as shown on the Master Street Plan, the subdivider may be required by the Planning Commission to construct a frontage road or a local service street. This requirement is to provide adequate frontage and safe access for the lots adjacent to these heavily used arterials and streets. Direct access from residential lots to major thoroughfares and principal arterials is prohibited.
- M. **Signalized Intersections:** Signalized intersections shall generally be limited to approximately one-half mile intervals or as determined by a traffic impact analysis.
- N. **Centerline Deflection:** When a continuous centerline deflects any point more than ten (10) degrees, a circular curve shall be introduced, having a radius of curvature of not less than one hundred and fifty (150) feet. A tangent at least one hundred (100) feet long shall be provided between reverse curves on all streets.
- O. **Right Angle Intersections Required:** Streets shall be designed to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy (70) degrees.
- P. **Street Jogs:** Street jogs with centerline offsets shall be no less than one hundred and fifty (150) feet.

- Q. **Sight Distance Visibility:** Triangular sight distance easements/corner clips at all street intersections shall be identified in dashed lines on the final plat. These easements shall remain free of all structures, trees, shrubbery, driveways and signs. Utility poles, fire hydrants and traffic controls are not included. Sight distance visibility easements are the area bounded by the street lines of corner lots and a line adjoining points along those street lines fifty (50) feet from the point of the intersection.
- R. **Grades:** Unless necessitated by exceptional topography, street grades shall be no more than six (6) percent or less than one-half (0.5) percent. Grades approaching intersections cannot exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection. The construction plans shall include profile sheets in the construction plans that shows the present grade and finished street grades at centerline of right-of-way.

Section 326. Private Streets

Private streets are prohibited except that the Planning Commission and City Council may approve private streets in a new single-family residential subdivision if it meets the following regulations:

- A. The private street complies with the City's design and construction standards.
- B. The private street is clearly designated on the plat.
- C. The private street is not an arterial or collector street, does not affect the circulation of local or through traffic or have a negative impact on planning for the area.
- D. There are natural or manmade boundaries contiguous to the subdivision, including creeks, lakes, levees, utility easements or golf courses that would make it difficult or undesirable to extend the streets beyond the subdivision.
- E. The subdivision contains no more than twenty-five (25) lots.
- F. The subdivision is not within one mile of another subdivision with private streets. The subdivision would not result in an undesirable concentration of private street subdivisions in one area of the city or its territorial jurisdiction. The developer shall disclose to the City all other land the developer owns within one mile of the private street subdivision if zoned for single-family residential use.
- G. The maximum travel distance along the private street is two thousand (2,000) feet from a connecting public street.
- H. A portion of the private street shall be designated on the plat as a fire lane in accordance with the design standards and the developer shall properly mark or post notice of the designated fire lane.
- I. Access control devices shall be designed and located to accommodate the normal turning characteristics of a single unit bus (BUS). The access points shall accommodate the combined stacking length of a BUS and passenger car (P) with normal separation between, as a BUS and P are defined by American Association of State Highway and Transportation Official (AASHTO) standards. The design of the entryway shall allow a vehicle to pass around the front and side of a BUS stopped at the entry control device.
- J. Access control devices for a private street meet regulations adopted by the city, including redundancy requirements. The description and specifications for the access control devices shall be submitted for approval with the plat. The developer shall provide to the

city all equipment necessary to operate the access control devices, as determined by the city and at no cost to the city.

- K. The developer, his successor and assigns agree to install and maintain, prior to the sale of any lot, a readily visible sign where any public street provides access to a private street, giving notice that the street is private.
- L. The developer shall record subdivision covenants approved by the City prior to the sale of any lot in the subdivision that require at a minimum:
 - 1. The lot owners to pay monthly assessments into a maintenance fund restricted for use for maintenance and repair cost for the private streets in the subdivision. The monthly assessments shall be in an amount that will, at the end of the first five (5) years of the assessments, create and thereafter maintain a fund that will not be less than three (3) percent of the initial cost of constructing the private streets in the subdivision;
 - 2. The lot owners to pay monthly assessments into a capital replacement fund restricted for use for the reconstruction and replacement of the private streets in the subdivision. The monthly assessment shall be an amount that will, at the end of thirty-five (35) years, create a fund that will not be less than the reconstruction cost of the private streets;
 - 3. The lot owners to pay monthly assessments to perpetually maintain the markings or postings required for fire lanes and the required signs giving notice of the private street and to provide access control mechanisms for emergency vehicles.
 - 4. No existing public street in a subdivision shall be converted to a private street.
 - 5. No private street in a developed subdivision shall be accepted as a public street.

Section 327. Easements

Easements of sufficient width (generally ten (10) to sixteen (16) feet in width or as specified by the construction requirements) shall be provided and dedicated for all utilities and drainage on all residential lots and commercial tracts. In most cases, easements shall be located parallel to rear lot lines.

Section 328. Blocks

- A. No block shall be longer than one thousand, three hundred fifty (1,350) feet without an intersecting street, unless specifically approved by the Planning and Zoning Commission having determined that the additional length shall not cause any hardship or interfere with the overall street system identified in the Master Street Plan.
- B. In blocks over 600 feet in length, the Planning Commission may require one or more public cross walks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

Section 329. Lots

Lot requirements within the corporate limits shall conform to the zoning regulations as currently in effect at time of filing of plat.

- A. Lot requirements outside the corporate area in the territorial jurisdiction shall conform to the zoning regulations as determined by the Planning Commission from the intent of the Future Land Use Plan.

- B. All sidelines of lots shall generally be at right angles to straight street lines or radial to curved street lines and shall front on public streets.
- C. Lots with double frontage shall be discouraged, but if appropriated they subject the requirements as if each frontage is a front yard.
- D. Lots adjacent to street intersections and at all other points where sight distance visibility is impaired, shall have a radius of not less than twenty-five (25) feet on the street corner. On commercial and industrial lots, an equivalent chord may be substituted for the arc.
- E. Within a residential subdivision, no more than forty-eight (48) dwellings may be served by a designated a local street by the Master Street Plan with a single point of access.
- F. No more than twenty-four (24) dwellings may be served by a street that has been identified as a cul-de-sac by the Planning Commission.

Section 330. Sidewalks

Sidewalks shall be installed at the expense of the subdivider in accordance with the following:

- A. **Installation:** No sidewalk is required until a lot is improved and a residence or buildings is constructed, but prior to the issuance of a certificate of occupancy. When the improvements are complete, a sidewalk complying with the provisions of this section of the Ordinance shall be constructed in the right-of-way parallel to the front of lots, and parallel to the street side of corner lots.
- B. **Materials, Thickness, and Minimum Width:** Sidewalks shall be constructed of concrete with a minimum compressive strength of 3,000 psi at 28 days, and shall be not less than four (4) inches thick, and not less than four (4) feet wide.
- C. **Relationship to the Curb:** Sidewalks shall be located so that they are not less than three (3) feet from the back of curb or in line with the existing sidewalks in the immediate area.

Section 331. Crosswalks

Crosswalk rights-of-way of not less than six (6) feet in width shall be dedicated to the public to provide pedestrian circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalks shall be connected to a concrete sidewalk at least five (5) feet wide and designated with white stripes and appropriate warning signs.

Standards for Utility Improvements

The policies and/or standards for streets, water mains, sanitary sewers, and storm water drainage facilities are fully prescribed in the *Standard Specifications for Streets and Subdivision Improvements, City of Stuttgart*. The review and approval of all plans relating to water, sanitary sewers or sewage disposal, street improvements and storm drainage shall be by the designated Code Enforcement Officer and other such individuals as designated by the City.

Section 332. Water Distribution System

All subdivisions shall contain a water distribution system connected to the Stuttgart municipal water distribution system as approved by the designated Code Enforcement Officer in accordance with the specifications and standards, as adopted, for the City of Stuttgart. Water distribution lines shall be located in designated utility easements or in the street right-of-way.

Section 333: Fire Hydrants

All subdivisions shall be equipped with fire hydrants installed as a part of the regular water distribution system.

Section 334. Sanitary Sewer System

All subdivisions shall contain a sewage collection system connected to the Stuttgart sewage collection and treatment system. Sanitary sewer systems shall be designed and constructed in accordance with the current adopted construction standards in the *Standard Specifications for Streets and Subdivision Improvements, City of Stuttgart* and under the supervision of the designated Code Enforcement Officer or City Engineer.

In general, septic tanks shall not be permitted in the corporate limits of the City, but may be considered for large lot rural subdivision in the territorial jurisdiction where the lots are greater than one (1) acre.

Section 335. Storm Water Collection

Storm water facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policies, under the supervision of the designated Code Enforcement Officer

Section 336. Drainage

Drainage facilities shall be provided and constructed at the expense of the subdivider pursuant to the City's drainage policies, under the supervision of the designated Code Enforcement Officer

Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, an easement or right-of-way conforming substantially to the limit of such watercourse shall be provided, plus additional widths to accommodate future needs.

Section 337. Private and Public Utility Lines

All utility lines in a subdivision shall be located underground in dedicated utility easements or street rights-or-way in accordance the construction requirements of the City or accepted engineering practices. Utilities shall be installed under the supervision of the designated Code Enforcement or City Engineer. Profile sheets indicating the locations and grades for all utilities shall be submitted in the construction plans and As-Built drawings.

The location of electricity, gas, telephone, cable and other utilities shall be shown in the construction plans and As-Built drawings lines shall be in utility easements and shown on the construction plans and As-Built drawings.

Subdivision Infrastructure Extension Policy

Section 338. Off-Site Installation Costs and Extension of Utilities

Water and sewer extensions necessary to provide adequate and appropriate services to subdivisions developed under the terms of this Ordinance, may be made by the City of Stuttgart under the following conditions:

- A. **Water and Sewer Lines:** The subdivider's contribution to the cost of the off-site water or sewer service to the subdivision shall be equal to the installed cost, including all labor, ditching, engineering, material of lines, lift stations, manholes, and appurtenances necessary to furnish water or sewer service to the subdivision. In order to provide the service deemed necessary by the City within the subdivision or elsewhere, the City may, if funds are available, pay for the pipe in excess of the size required by the developer.

- B. **Streets:** The City may, providing funds are available, pay for street right-of-way in excess of sixty (60) feet wide and for street paving in excess of forty (40) feet wide, except where such extra widths are in commercial or industrial developments or where they are not required by the City.
- C. **Drainage Structures:** The City may, providing municipal funds are available, pay for the provision of large drainage structures on arterial streets as shown on the Stuttgart Master Street Plan as found in the *Municipal Comprehensive Plan*.
- D. **Right-of-Way:** The subdivider will be required to acquire right-of-way needed to extend utility lines or streets from their present terminus or nearest location to the subdivision.
- E. **Payment by the Subdivider:** The subdivider shall pay for the construction of all improvements described above in cash, or alternatively provide an unconditional guarantee from a financial institution, approved by the City. Such a guarantee shall be in an amount sufficient to complete the construction of the improvements. Such letter shall be filed with the City Clerk and shall be signed by the principal loan officer.

Section 339. Suburban (Rural Residential) Subdivisions

The following provisions apply specifically to suburban or rural residential subdivisions.

- A. **Application of this Subdivision Ordinance:** Any subdivider seeking to establish a subdivision lying partly in the territorial jurisdiction of the City of Stuttgart will be required to file a preliminary and a final plat, and to develop the entire subdivision in accordance with this Ordinance.
- B. **Assumption of Jurisdiction:** Any subdivider who proposes to develop a subdivision lying outside the corporate limits of the City and requests utility services for the subdivision from the City, shall consent and agree and the applicability and the enforceability of this Ordinance, the companion construction standards and the adopted building codes (Housing, Plumbing, Building, Fire, Electrical, and all other applicable codes and ordinances) of the City of Stuttgart.
- C. **Utility Extension Policies:** The utility extension policies enumerated in Section 401 of this Ordinance will apply to suburban subdivisions.

Section 340: Non-Residential or Commercial Developments

The subdivision of land for non-residential, commercial or industrial purposes shall be governed by the terms of this Ordinance. Such subdivision shall follow all of the procedures and the regulations in this Ordinance.

- A. Areas within the subdivision not intended for residential use shall be clearly identified on the plat.
- B. The area for non-residential use shall meet the zoning requirements of the district in which it is located.
- C. All other plat requirements apply.

Section 341. Site Plan

Before a non-residential use or uses can be constructed or substantially reconstructed, a site plan for the proposed development shall be submitted to the Planning Commission for approval.

- A. This site plan for development shall include but is not limited to:
 1. Location and use of structure or structures on the lot or parcel.

2. Location ingress and egress to public streets and highways.
 3. Location and dimensions of drives and parking areas.
 4. Identification of other contemplated improvements
- B. An approved site is required in advance to the actual construction of the use, subsequent to subdivision plat approval.
- C. A Certificate of Occupancy shall not be issued unless this Ordinance has been compiled with in full.

Section 342. Variances

The Planning Commission shall review the variance request and make a recommendation to City Council. The City Council may then authorize a variance from these regulations when it determines that undue hardship will result from requiring strict compliance. Before granting such a variance, the City Council shall consider:

- A. the nature of the proposed project,
- B. the existing land uses and zoning districts in the general area of the subdivision,
- C. the probable impact of the variance on traffic conditions, as well as the public health, safety, convenience and general welfare.

No variance shall be recommended by the Planning Commission unless it finds the following:

- A. That a written request for a variance has been made by the subdivider.
- B. The fee shall be established in the Fee Ordinance.
- C. That there are special circumstances or conditions affecting the land that affect the use in the proposed subdivision and that the failure to grant the variance would deprive the applicant of the fair and reasonable use of his property.
- D. That granting the variance will not be detrimental to the public health, safety or welfare of the community or negatively impact other property in the area.
- E. The granting of the variance will not prevent the orderly subdivision of other lands in accordance with this ordinance.
- F. The variance can provides a more appropriate design solution that is not currently permitted in this Ordinance.
- G. Economic hardship to the subdivider as the sole reason shall not constitute undue hardship. The consideration of economic hardship shall include
 1. Strict compliance with this Ordinance will render no reasonable use of the property.
 2. The hardship is unique to the property.
 3. The hardship relates specifically to the land, not personal circumstances of the subdivider.
 4. The hardship is not a result of the actions of the subdivider.

The recommendations of the Planning Commission and subsequent decision of the City Council may impose reasonable conditions to ensure that the use of the property will be as compatible as possible with surrounding properties.

The City Council will have the ultimate authority over the grant or denial of a subdivision variance. The City Council may accept or reject the recommendations of the Planning

- H. The approved plat of any subdivision shall be recorded by the City Clerk in the Office of the Recorder of Deeds of Arkansas County, Arkansas, within sixty (60) days from the date of approval by the Planning Commission of the City of Stuttgart or approval shall become void.
- I. The map or plat of any subdivision in or in addition to the City of Stuttgart when made, acknowledged, duly accepted by the City Council, and recorded shall be a sufficient conveyance to vest the fee simple of such parcels of land as named, dedicated or intended for public use in the City of Stuttgart.

Section 344. Enforcement

The City Attorney shall, when directed by the City Council, institute appropriate action to enforce the provisions of this Ordinance or the standards referred to in this Ordinance with respect to any violation which occurs within the City, or its territorial jurisdiction.

Section 345. Penalties

- A. **Fine:** Any person violating any provision of this Ordinance within the corporate limits of the City will be guilty of a misdemeanor and, upon conviction, be fined an amount not less than \$100.00 or more than \$1,000.00 dollars. Each day that such a violation continues will constitute a separate offense. Prosecution or conviction under the terms of this Ordinance will not bar to any other remedies or forms of relief available to the City.
- B. **Prohibition of Services:** It is the policy of the City of Stuttgart to withhold all City improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all subdivisions, the platting of which has not been officially accepted and approved by the Planning Commission. No improvements shall be initiated, or contracts executed for the sale or lease of real property in a subdivision unless the approval of the Planning Commission has been given.

Section 346. Relationship to Other Ordinances

Whenever the standards and specifications in this Ordinance conflict with those contained in another Ordinance, the most stringent or restrictive provision will govern.

Section 347. Severability

Should any portion of this Ordinance be held for any reason to be invalid or unenforceable, the same shall not be construed to affect any other valid portion thereof.

Appendix A. Certification Forms

The following forms are required as specific language on all Plats. Any variation to the recommended language below shall be verified in writing to the designated city official as to the difference and the reason for the difference.

Certificate 1: Owner's Acknowledgement

CERTIFICATE OF OWNER'S ACKNOWLEDGEMENT

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 _____

NAME _____

DATE OF EXECUTION

ADDRESS _____

TELEPHONE NUMBER _____

SOURCE OF TITLE: D.R.

PAGE _____

INSTRUMENT NO. _____

Certificate 2: Surveying Accuracy

CERTIFICATE OF FINAL SURVEYING ACCURACY

I, _____ HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

SIGNED _____

NAME: _____, RPLS

NO. _____, ARKANSAS

DATE OF EXECUTION

Certificate 3: Engineering Accuracy

CERTIFICATE OF FINAL
ENGINEERING ACCURACY

I _____, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A PLAT MADE BY ME, AND THAT THE ENGINEERING REQUIREMENTS OF THE STUTTGART SUBDIVISION REGULATIONS OF THE UNIFIED DEVELOPMENT CODE AND APPLICABLE CONSTRUCTION REQUIREMENTS HAVE BEEN COMPLIED WITH.

SIGNED _____

NAME _____

DATE OF EXECUTION _____

Certificate 4: Certification by the Chair of the Stuttgart Planning Commission

I, THE UNDERSIGNED, CHAIR OF THE STUTTGART PLANNING COMMISSION, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL OF THE REQUIREMENTS OF ARTICLE 3, OF THE STUTTGART UNIFIED DEVELOPMENT CODE, OTHERWISE REFERRED TO AS THE SUBDIVISION ORDINANCE.

SIGNED THIS ____ DAY OF _____, 20 ____

CHAIR
STUTTGART PLANNING COMMISSION

Certificate 5: Certification by the Mayor of Stuttgart

I, THE UNDERSIGNED, MAYOR OF THE CITY OF STUTTGART, ARKANSAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL OF THE REQUIREMENTS OF ARTICLE 3, OF THE STUTTGART UNIFIED DEVELOPMENT CODE REFERRED TO AS THE SUBDIVISION ORDINANCE.

SIGNED THIS ____ DAY OF _____, 20 ____

MAYOR

Certificate 6: Certificate of Recording

CERTIFICATE OF RECORDING

THIS DOCUMENT, NUMBER _____, FILED FOR RECORD _____, 20_____, IN PLAT
BOOK _____, PAGE _____ OF ARKANSAS
COUNTY, ARKANSAS

SIGNED _____

NAME
CLERK

Certificate 7: Flood Information

FLOOD INFORMATION

THIS SURVEY IS LOCATED IN FLOOD ZONE _____ AS SHOWN ON COMMUNITY PANEL NUMBER
_____, DATED _____, AND IS NOT WITH IN THE
DESIGNATED 100 YEAR FLOOD PLAIN.

Certificate 8: Lien Holder Information

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS SUBJECT TO A LIEN BY THE
FINANCIL INSTITUTION OR INDIVIDUAL IDENTIFIED BELOW,

SIGNED THIS ____ DAY OF _____, 20 ____

Name

Appendix B General Notes for Plats

NOTES:

1. B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM. S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; E.E. INDICATES ELECTRICAL DISTRIBUTION EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE.
2. BENCHMARK:
NGS BENCHMARK DISC STAMPED _____, LOCATED APPROXIMATELY _____ FEET DIRECTION ALONG ROAD FROM ITS INTERSECTION WITH STREET, AT THE JUNCTION OF ROAD, IN THE TOP OF THE NORTHWEST CONCRETE HEAD WALL OF A LARGE CONCRETE BOX CULVERT, 25 FEET DIRECTION OF THE CENTER LINE OF THE ROAD. U.S.C. & G.S. 1929 M.S.L. DATUM, 1973
ADJUSTMENT, ELEV = _____ FEET, T.B.M. = _____.
3. ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON U.S.C. & G.S. 1929 M.S.L. DATUM, 1973 ADJUSTMENT.
4. ALL BEARINGS REFERENCED TO THE ARKANSAS SOUTH ZONE FIPZONE: 0302 ADSZONE: 3251 UTM ZONE: 15.
5. THIS PLAT WAS PREPARED TO MEET CITY OF STUTTGART AND ARKANSAS COUNTY REQUIREMENTS.
6. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY (NAME OF TITLE INSURANCE COMPANY), G.F. NO. _____, EFFECTIVE DATE _____ THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.
7. THIS PLAT LIES WITHIN _____ DRAINAGE DISTRICT.
8. "SUBDIVISION NAME" LIES WITHIN (SHADED OR UNSHADED IF APPLICABLE) ZONE _____ AS PER FLOOD INSURANCE RATE (FIRM) MAP, MAP NUMBER _____ DATED _____.
9. APPROVAL OF THIS PLAT WILL EXPIRE ONE YEAR FROM PLANNING COMMISSION APPROVAL IF NOT RECORDED IN THE REAL PROPERTY RECORDS OF THE COUNTY OF ARKANSAS.
10. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION (OR) THE PIPELINES AND/OR PIPELINE EASEMENTS WITHIN THE LIMITS OF THE SUBDIVISION ARE AS SHOWN.
11. ONE HALF INCH (1/2") IRON RODS THREE FEET (3) IN LENGTH ARE SET ON ALL PERIMETER BOUNDARY CORNERS, UNLESS OTHERWISE NOTED. BLOCK CORNERS OR STREET RIGHT-OF-WAYS HAVE NOT BEEN MONUMENTED. (ADD NOTE TO PLAT IF NOT LISTED IN THE SURVEYOR SIGNATURE BLOCK)

12. THE MINIMUM SLAB ELEVATION SHALL BE ____, ONE FOOT ABOVE TOP OF CURB, OR TWO (2.0) FEET ABOVE NATURAL GROUND, WHICHEVER ELEVATION IS HIGHER. NATURAL GROUND CONTOURS INDICATED ARE PRIOR TO DEVELOPMENT OF THE TRACT OR TWO (2) FEET ABOVE THE FLOOD ZONE.
13. ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES, AT INTERSECTIONS SHALL CONFORM TO THE CITY OF STUTTGART AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
14. ALL LOTS SHALL HAVE A MINIMUM OF SIDE YARDS AS DESIGNATED IN THE APPROPRIATE SECTION OF ARTICLE 2, ZONING ORDINANCE OF THE UNIFIED DEVELOPMENT CODE.
- 15 THE DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF APPROPRIATE DRAINAGE CRITERIA, WHICH ALLOWS STREET PONDING DURING INTENSE RAINFALL EVENTS.
16. SIDEWALKS SHALL BE CONSTRUCTED ALON STREETS WITHIN THE SUBDIVISION ACCEPTED BY THE CITY OF STUTTGART. HOMEBUILDERS SHALL CONSTRUCT SIDEWALKS ALONG STREETS ON WHICH HOMES FRONT AND ALONG STREETS ON WHICH HOMES SIDE AND BEFORE CERTIFICATES OF OCCUPANCY WILL BE ISSUED IF INSIDE THE CITY LIMITS OR TERRITORIAL JURISDICTION.)

ADDITIONAL NOTES FOR NON-RESIDENTIAL PLATS:

17. PRIOR TO ANY CONSTRUCTION ON SUBJECT LOTS OR NON-RESIDENTIAL TRACTS, THE CITY OF STUTTGART SHALL REVIEW AND APPROVE DRAINAGE CALCULATIONS PERFORMED BY A REGISTERED PROFESSIONAL ENGINEER ILLUSTRATING AVAILABLE OUTFALL AND/OR DETENTION CAPACITY.
18. SITE PLANS SHALL BE SUBMITTED TO THE CITY OF STUTTGART FOR STAFF REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. DRIVEWAY REQUIREMENTS FOR THE LOCATIONS, WIDTHS AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAYS OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE DESIGN STANDARDS OF THE CITY OF STUTTGART.
19. NO OWNER OF THE LAND SUBJECT TO AN EASEMENT SHALL PLACE, BUILD OR CONSTRUCT ANY PERMANENT BUILDING, STRUCTURE OR OBSTRUCTION OF ANY KIND OVER, UNDER OR UPON THE EASEMENT, PROVIDED THAT SUCH OWNER MAY CROSS OR COVER THE EASEMENT WITH A PAVED DRIVEWAY/PARKING LOT UNDER THE FOLLOWING CONDITIONS. THE DRIVEWAY SHALL BE JOINTED AT THE BOUNDARY LINE OF THE EASEMENT TO LIMIT THE AMOUNT OF PAVING THAT MUST BE REMOVED TO PROVIDE ACCESS, AND THERE SHALL BE NO OBLIGATION OF THE CITY TO REPLACE/REPAIR ANY PAVING REMOVED IN THE EXERCISE OF THIS EASEMENT.

ADDITIONAL NOTES FOR RESIDENTIAL SUBDIVISION PLATS

20. ALL BUILDING LINE TRANSITIONS SHALL BE AT 45 DEGREE ANGLES TO THE STRAIGHT SIDE LOT LINE WHERE THE TRANSITION OCCURS.
21. ALL GARAGES SHALL BE SET BACK A MINIMUM OF TWENTY (20) FEET FROM THE STREET RIGHT-OF-WAY ON CORNER LOTS, WHEN SAID LOT IS A SIDE LOADING LOT. A SIDE LOADING LOT IS A CORNER LOT WITH A SIDE LOADING GARAGE OR CARPORT.
22. STREET LIGHT DESIGN PLANS SHALL BE SUBMITTED TO THE CITY OF STUTTGART FOR STAFF REVIEW AND APPROVAL PRIOR TO INSTALLATION OF STREET LIGHTS.
23. ALL LAKE/DETENTION TRACTS, EASEMENTS, OPEN SPACE, OR OTHER COMMON AREAS WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY THE APPLICABLE HOMEOWNERS' ASSOCIATION, DRAINAGE DISTRICT, OR OTHER PERPETUAL PRIVATE ENTITY. HOMEOWNERS' ASSOCIATIONS SHALL BE ESTABLISHED IN ACCORDANCE WITH THE OFFERED BILL OF ASSURANCE OR DEED RESTRICTIONS.
24. THIS PROPERTY IS SUBJECT TO THE ZONING OF THE CITY OF STUTTGART ORDINANCE AND ALL OTHER APPLICABLE REGULATIONS.
25. THE CITY SHALL NOT ISSUE ANY PERMITS FOR CONSTRUCTION WITHIN THE SUBDIVISION WITHIN THE CORPORATE LIMITS, EXCEPT PERMITS TO CONSTRUCT PUBLIC IMPROVEMENTS, UNTIL SUCH TIME AS ALL PUBLIC IMPROVEMENTS OF THE SUBDIVISION HAVE BEEN CONSTRUCTED AND ACCEPTED BY THE CITY OR A CERTIFIED CHECK, PERFORMANCE BOND OR LETTER OF CREDIT IS PROVIDED TO AND ACCEPTED BY THE CITY.

ARTICLE 4, OFF-STREET PARKING AND LOADING

Title, Purpose, Application, and Requirements.

Section 401. Title

Off-Street Parking Requirements and Regulations

Section 402. Purpose

These regulations are to ensure that there are adequate parking facilities off of the street for each land use activity within the City of Stuttgart. These regulations are designed to lessen the congestion in the streets and to facilitate the orderly and efficient movement of both normal and emergency traffic. The basis of the regulations which follow is the parking demand created by each land use activity.

Section 403. Application

This Article applies to all signs within the corporate limits of the City of Stuttgart.

Section 404. Required Off-Street Parking

When any building or structure is erected, enlarged or increased in capacity or at the time any other use is established, off-street parking shall be provided. The number of required spaces shall be computed using **Exhibit 4.3 Parking Space Requirement Matrix**. A Certificate of Occupancy shall not be issued for any premises that do not comply with the requirements of this Article.

Section 405. Location of Parking Spaces

All parking spaces must be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where the spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located within 200 feet from an institutional building served and within 500 feet from any other building serving a nonresidential use.
- B. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, or restaurants and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium may be provided and used jointly.
- C. If the required parking spaces are not located on the same lot with the building or use served or are collectively or jointly provided and used, a written agreement assuring that the property will be retained for parking must be executed by the owners, approved by the Code Enforcement Officer, and submitted on a form approved by the City Attorney with the application for a building permit.
- D. On-street parking is considered public parking and does not address the off-street requirements.

Section 406. Shared Parking

Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, cafes or similar uses, and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed above.

- A. Written agreement thereto is properly executed and filed as specified below.

- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall accompany the application for a building permit.
- C. **Off-Street Parking Dimensions:** Off-street parking space dimensions shall be in accordance with the minimum requirements illustrated in **Exhibit 4.2 – Parking Space Dimensions**.

Section 407. Parking Space Dimensions

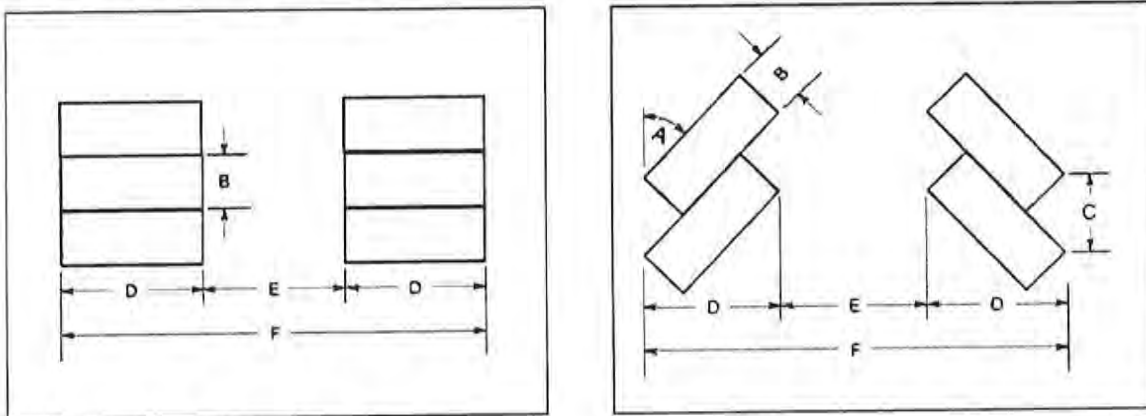
For the parking spaces required by this Article, the following recommended requirements are illustrated in Exhibit 4.1 Parking Space Dimensions and the general layout of parking lots in Exhibit 4.2 Conceptual Parking Lot Layout.

Exhibit 4.1 Parking Space Dimensions

Parking Configuration (A)	Parking Space (Band D)		Aisle or Driveway Width (E)		Width at Curb (C)
	Width	Length	One-Way	Two-Way	Length
90 Degree	10	20	14	24	10
60 Degree	10	18	12	22	12
45 Degree	10	17	12	20	14
Parallel	10	25	N/A	N/A	25
Bus or Trailer	12	48	N/A	N/A	48
Compact	9	15	12	24	9

F denotes the total width of parking lot

Exhibit 4.2 Conceptual Parking Lot Layout



Key for above Illustrations

- A. Angle of the parking space (may be one of the angle in the chart above)
- B. Width of the parking space
- C. Width of the parking space at the curb or wheel stop
- D. Length of the parking space
- E. Width of the aisle or driveway
- F. Width of the parking lot

Section 408. Ingress and Egress Requirements for Parking Lots

A. Entrance and Exit Widths:

1. One-Way Entrances and Exits: Drives shall be a minimum of twelve (12) feet wide and no greater than twenty-five (25) feet wide at the property line.
2. Two-Way Entrances and Exits: Drives shall be a minimum of twenty-five (25) feet and no greater than forty-five (45) feet wide at the property line.
3. Curb Return Radii: Curb return radii shall be designed and constructed in accordance with the specifications provided by the designated Stuttgart Code Enforcement Officer. Said specifications are incorporated as a part of this Ordinance by this reference to them.

B. Public Safety: The designated Stuttgart Code Enforcement Officer, in conjunction with the City Engineer and the Master Street Plan, is empowered to restrict the number of egress and ingress points on a site in order to ensure public safety.

C. Relationship to Intersections: The minimum location of entrances and exits to parking spaces shall be not less than twenty five (25) feet from an intersection so as to minimize traffic interference and as Ordinance 1466 as amended.

Section 409. Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each of the uses as shown in the **Exhibit 4.3 Parking Space Requirement Matrix**, the following rules govern:

- A. Service areas provided exclusively for the occupants of a building, including foyers, cafeterias, auditoriums, gymnasiums, or health clubs, are excluded from the calculation of "floor area" for determining required parking spaces if the designated Code Enforcement Officer determines these areas do not require parking capacity.
- B. Where fractional spaces result, the parking spaces required must be constructed to the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein will be determined by the director based on the most comparable use.
- D. Whenever a building or use is changed so that there is an increase in floor area, number of employees, number of dwelling units, seating capacity of the building, or similar change, additional parking spaces must be provided on the basis of the enlargement or change.
- E. For mixed uses, the parking spaces required must equal the sum of the requirements of the various uses computed separately.
- F. A request for less than the required number of spaces shall be considered as a variance to this Ordinance and shall follow the same procedure as a variance to Article 2, - Zoning Ordinance. Applications shall be made to the Board of Adjustment for consideration of the relevant issues related to the request.

Exhibit 4.3 – Parking Space Requirement Matrix

Use Type	Required Spaces	Unit of Measurement
Residential		
Single and Two Family Dwellings	2	Dwelling Unit
Multi-Family Dwellings and Townhouses:	1:5	Dwelling Unit
1 bedroom	1.5	Dwelling Unit
2 or more bedrooms	2:1	Dwelling Unit
Office, Commercial and Retail		
Office Buildings	1:250	Square Feet
Clinics	1:200	Square Feet
Commercial Uses not listed below	1:200 (minimum 5)	Square Feet
Eating and drinking establishments	1:100 plus 1:2	Square Feet Employees
Banks	1:200	Square Feet
Retail Sales	1:300	Square Feet
Personal Services	1:200	Square Feet
Shopping Centers		
Less than 400,000 Square Feet	1:200	Square Feet
400,001 to 600,000 Square Feet	1:250	Square Feet
Greater than 600,001 Square Feet	1:300	Square Feet
Equipment Sales and Service or Wholesale	1:300	Square Feet
Industrial Buildings (manufacturing, research or testing)		Square Feet (Office)
Less than 25,000 Square Feet	1:500	Square Feet (Warehouse)
Greater than 25,001 Square Feet	1:500 plus 1:1000	Square Feet (Warehouse)
Warehouses - less than 25,000 Square Feet	1:4000 plus 1:1 employee	Square Feet
Warehouses - greater than 25,000 Square Feet	1:2000	Square Feet
Clubs or Lodges	1:200	Square Feet
Churches, Theaters, Auditoriums, Stadiums, Gymnasiums, and Other Assembly Halls	1:4 (With Seats) 1:100 (Without Seats)	Seats Square Feet
Mortuaries or Funeral Homes	1:4 plus 1:2	Seats Employees
Elementary and Middle Schools	1:20	Students
High Schools	1:4	Students
College or University	1:2	Students
Trade or Vocational School	1:1 plus 1:1	Students Employee
Country Club or Golf Course	1:4 plus 1:2	Members Employees

Exhibit 4.3 - Parking Space Requirement Matrix (continued)

Use Type	Required Spaces	Unit of Measurement
Hospitals	1:2 plus 1:1	Beds Employee
Convalescent Homes	1:4 plus 1:1	Beds Employee
Hotels and Motels	1:1 plus 1:2	Guest Room Employees
Community Center, Library, Museum, Gallery	1:200 (10 Minimum)	Square Feet
Car Wash - Full Service Car Wash - Self Service	1:200 (5 Minimum) 1:1 (5 Minimum)	Square Feet Bays
Retirement Housing	0.8	Dwelling Unit
Day Care Facilities	1:1 employee plus 1:8 students	Employee/Student

Section 410. Accessible Parking Spaces for Disabled Persons

Parking lots must designate level parking spaces for use of persons with disabilities as set forth:

A. Space Requirements

Exhibit 4.4 - Accessible Parking Space Requirements

Total Parking Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent (2%) of Total
1,001+	20 plus 1 for each 100 over 1,000

B. The required Parking Spaces must be marked and designated in accordance with the standards and specifications of the Americans with Disabilities Act (ADA) for the identification and dimensions of parking spaces for persons with disabilities, or as otherwise required by state law.

C. One in every eight (8) accessible spaces, but not less than one, must be served by an access aisle 96 inches wide minimum, and must be designated "van accessible." Accessible Parking spaces must be located in close proximity to the entrances of the Building or use served.

Section 411. Parking Lot Setbacks

The following are the requirements for setback for parking lots

- A. A parking lot for multi-family dwellings shall not be located in a required front yard or within twenty-five (25) feet of a side yard lot line or a secondary street side lot line on the side on and interior lot.
- B. A parking lot located in a residential district that serves a nonresidential use may not be located within a required yard.
- C. When adjacent to a residential use, head-in parking spaces shall be directed toward the nonresidential building.
- D. In nonresidential districts, parking lots must maintain the minimum setbacks specified for the particular district; however, parking may be located within the side back as long as the fire land is designated and maintained.

Section 412. Parking Lot Lighting

The illumination of parking lots is required for all lots with more than twenty (20) parking spaces. The illumination may be provided through the use of light fixtures on either a pole or on a building. Lighting used to illuminate parking lots shall be arranged, located, or screened to direct light away from any adjoining or abutting residential district or any public street.

Section 413. Off-Street Loading Requirements:

Every building or part thereof erected or occupied for retail business use, service, manufacturing, storage, warehousing, hotel, motel, mortuary, or any other use similarly involving the receipt or the distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises, off-street loading space in accordance with the minimum requirements below.

- A. **Location:** All off-street loading spaces shall be located on the side or rear yard.
 - 1. No loading space may be located in a designated fire lane.
 - 2. Loading spaces shall not face toward any public street.
- B. **Paving Required:** All off-street loading spaces provided in the City of Stuttgart shall be paved and sealed in accordance with municipal specifications provided by the designated Code Enforcement Officer.

Exhibit 4.4 Loading Space Requirements

Building Floor Area (square feet)	Minimum Loading Spaces
10,000 to 40,000	1
Over 40,000 to 100,000	2
Over 100,000 to 160,000	3
Over 160,000 to 240,000	4
Over 240,000 to 320,000	5
Over 320,000	One addition loading space for each additional building floor area of 90,000 or a fraction thereof

Section 414. Screening of Parking Lots

When a parking lot is adjacent to a residential use, the lot shall be screened as to not allow the lights of vehicles to intrude into the residence. The screening may be a fence, wall or appropriate shrubbery to provide the necessary shield.

Section 415. Construction Standards

All off-street parking and loading areas, maneuvering aisles, and access ways to any required off-street parking or loading areas must be constructed and paved with concrete or asphalt in accordance with the standards prescribed by the City.

ARTICLE 6, SIGN ORDINANCE

Title, Purpose, Application, and Requirements.

Section 601. Title

Sign Ordinance (of the Unified Development Code)

Section 602. Purpose

Signs constitute a separate and distinct use of the locations where they are placed. The purpose of this Sign Ordinance is to establish uniform, reasonable and objective regulations for all signs in Stuttgart that are visible to the public in order to protect the general public health, safety, welfare, convenience and aesthetics. The regulations are intended to promote a positive City image reflecting order, harmony and pride, which in turn will aid in strengthening the economic stability of the City's business, cultural, historical, and residential areas. The requirements address the public need for helpful directions and information about available products, businesses and services while acknowledging that signs affect the use of adjacent roads, streets, sidewalks and other properties.

Section 603. Application

This Article applies to all signs within the corporate limits of the City of Stuttgart.

Section 604. Permitted Signs and Requirements

In general, a sign is a name, identification, description, emblem, display or device that is affixed to, printed on, or represented directly or indirectly upon a building, structure, or parcel of land. It may be illuminated or non-illuminated; visible or intended to be visible from any public place. It directs or calls attention to a person, place, product, institution, business, organization, activity or service. For the purposes of this Article, permitted signs are identified by the following definitions

Awning - A sign made of any non-rigid material, such as fabric or flexible plastic that is supported by or stretched over a frame and attached to an exterior wall of a building generally erected over a doorway or doorways as protection against the weather. The sign may contain the name of the business in the building.

Banner - A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework.

Canopy - Similar to Awning sign, but on a rigid multi-sided structure attached to a building or freestanding structure that may have a roof with support, but no walls.

Construction - A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development work when placed upon the premises where that work is under way, but only for the duration of the work.

Directional - An on-premises sign for the convenience of the public giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities, and It may contain the logo of an enterprise, but no other advertising copy.

Informational - A sign which provides direction or instruction to guide persons to facilities intended to serve the public (examples include restrooms, public telephones, public sidewalks, parking lots, maps, housing units, or transportation schedules).

Directory - A sign that displays the names and/or addresses of the establishments, housing units, amenities, or uses of a building or group of buildings.

Facade - Any structure or part of a structure attached; or otherwise mounted parallel, to a wall or other vertical part of the structure, generally consider the front wall.

Freestanding - Any sign that is permanently affixed to the ground and on a foundation and supported on a foundation by one or more upright poles or braces, and is not attached to a building or any other structure.

Home-Occupation Signs - On-premises identification signs for home occupations shall not exceed one sign, two (2) square feet in area per side as set out in of Article 2, Zoning Ordinance, Section 208. Home-occupation signs shall contain only the name of the business and/or business owner.

Illuminated - A sign illuminated/lighted in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

Marquee - Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

Monument - A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

On-Premises - A sign, graphic or display for commercial, industrial, institutional, service or entertainment purposes, promoting products, uses or services conducted, sold or offered upon the same premises where the sign is located, and whose purpose is to sell or identify a product, service or activity.

Premises - A separate tract or parcel of land that has been or may be conveyed by deed or has otherwise been specified as a separate lot or tract of land.

Pole - A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.

Political Signs

Advertisement- A temporary sign larger than four (4) square feet identifying, a political candidate, slate of candidates, issue, or party or any combination thereof, as an announcement, advertisement or notice of any individual candidate or slate of candidates for any public office or similar political purposes.

Yard - A temporary political sign four (4) square feet or smaller.

Political signs are not permitted on utility poles or light poles

Projecting - A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible.

Real Estate - A temporary sign used to offer for sale, lease or rent the premises upon which the sign is placed.

Roof - A sign that erected, constructed, and maintained on or above the roof of a building.

Special Event - On-premise sign announcing special events including, but not limited to auctions, grand openings, new management, going out of business sales, and events by religious, educational, charitable, or public service groups.

Temporary - A sign displayed for a fixed, terminable length of time. Temporary signs are

to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special event signs, construction signs, directional signs to special or temporary events and signs of a similar nature.

Time, Temperature and Fuel Price Changeable Message Sign - These signs are permitted as long as there is no other text or graphics other than the company name and logo.

Wall Sign - A sign painted on, or attached to, a wall or window of a building or other structure mounted parallel to the surface so that only one side is visible to the public.

Warning Sign - A sign that contains no advertising material that warns the public of the existence of danger.

The signs identified above are considered On-Premises signs. They include signs, graphics and displays for commercial, industrial, institutional, service or entertainment purposes, products, uses or services conducted, sold or offered on the same premises where the sign is located. These signs are mainly located in business and industrial zoning districts, however a limited number of signs are allowed in residential districts.

The general requirements for permitted signs are detailed in **Exhibit 6.2 - Permitted Signs and Requirements**. A conceptual illustration of the types and locations are in **Exhibit 6.1 - Conceptual Illustration of Types of Signs** as shown below.

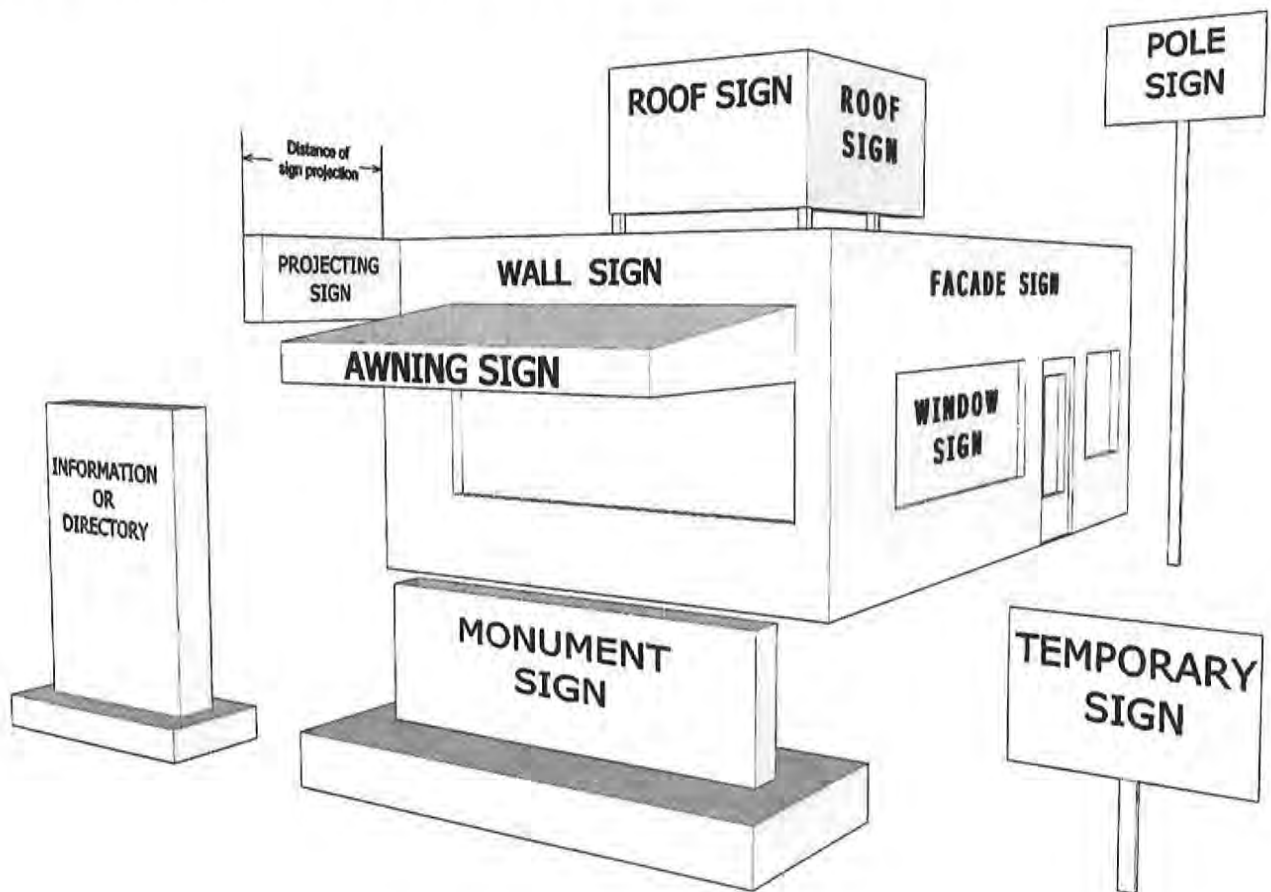


Exhibit 6.2 - Permitted Signs and Requirements

Type of Sign	Zoning District	Maximum Height	Maximum Area	Number	Requirements
Free standing					
Monument	All districts	4 feet	32 square feet	1 per entry or lot	Building Permit
Pole	B-1, B-2, I-1, I-2	20 feet	1 square foot per 5 linear feet of lot frontage not to exceed 50 square feet	1 per lot	Building Permit Bottom of sign must be minimum of 8 feet above the ground
Directional/Informational	R-3, R-4, B-1, B-2, I-1, I-2	8 feet	32 square feet	1 per entry or lot	Building Permit
Billboard	Not Permitted City				
Mounted/Attached/Projecting					
Awning/Canopy	B-1, B-2, B-3, I-1, I-2	N/A	Length of wall or façade x 4 feet	1 per facade	Not extend into ROW except over sidewalk
Marquee (changeable copy for current event)	B-1, B-2, I-1, I-2	50 % of the building height	Maximum height x 4 feet	1 per facade	Building Permit and projection must be minimum of 8 feet above sidewalk
Window	B-1, B-2, B-3, I-1, I-2	N/A	20% of the glass area	1 per window	Not obscure visibility
Wall/Facade	B-1, B-2, I-1, I-2	4 feet	15 percent of the wall area	1 per wall	Attached flat to wall, not extending more than 1 foot
Roof	B-1, B-2, I-1, I-2	8 feet	32 square feet	1 per building	Building Permit
Home Occupation	R-1, R-1A, R-2, R-3, R-4	See Zoning Ordinance - Section 208			
Temporary					
Political	All districts (see Height Area)	Residential -2 feet Business and Industrial 8 feet	Residential -4 square feet Business and Industrial 32 square feet	1 per lot, may be double sided	Not in the ROW with permission of property owner for between 30 before and 7 days of election
Banner	Special Permit				Special Permit
Construction	B-1, B-2, B-3, I-1, I-2	Residential -2 feet Business and Industrial 8 feet	Residential -4 Square feet Business and Industrial 32 square feet	1 per lot, may be double sided	Not in the ROW with permission of property owner Removal within 30 days of Certificate of Occupancy
Real Estate	All districts	Residential -2 feet Business and Industrial 8 feet	Residential -4 Square feet Business and Industrial 32 square feet	1 per lot, may be double sided	Not in the ROW with permission of property owner Removal within 30 days of sale
Garage Sale	Residential Districts	2 feet	4 square feet	1 per lot, may be double sided	Not in the ROW with permission of property owner Removal with 1 days of event
Special Event	All districts	Residential - 4 feet Business and Industrial 8 feet	Residential - 16 square feet Business and Industrial 32 square feet	1 per lot, may be double sided	Not in the ROW with permission of property owner Removal with 3 days of event

Section 605. Exempt Signs

This chapter does not apply to the following types of signs as defined below:

Governmental Signs:

- Erected or maintained pursuant to and in discharge of any governmental function;
- Required by law, ordinance or governmental regulation; or
- Located on property owned, leased or under the control of a Governmental Entity.

Banners are signs that span municipal roadways or are attached to light poles specifically for special events. Such banners require special permission from the City of Stuttgart or the Arkansas Department of Transportation depending on whose jurisdiction the roadway lies.

Private traffic control signs that are on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.

Railways Signs are signs on railway property that placed or maintained in reference to the operation of the railway.

Utility and Hazard Signs: Signs marking utility or underground communication or transmission lines and hazards.

Plaques: Plaques for historical and commemorative plaques of recognized historical societies and organizations recognized structure may be place on the wall of the, if the signs are less than four (4) square feet in area.

Artwork: public or private artwork without any commercial message

House Numbers and Mailboxes: Addresses and names located on mailboxes, residences or businesses.

Vehicle Signs: Signs displayed or used upon vehicles and trailers

Athletic Fields: Signs located on the field side of scoreboards and fences of athletic fields.

Signs not visible from a public street

Holiday signs, displays and lights: Temporary signs, including Christmas lights, containing only holiday messages and no commercial advertising.

Signs on Outdoor Machines, Devices, and Equipment: Signs located on outdoor machines, devices or equipment which display the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but do not advertise the business where located. This includes signs on coin-operated vending machines, fuel-dispensing pumps, telephone facilities, automatic teller machines, and similar machines, devices, or equipment.

Section 606. Prohibited Signs

The following signs as defined below are prohibited, unless otherwise stated in these regulations.

A-frame/Wheeled Signs – Any portable A-frame or similar portable sign

Animated and Moving Signs - A sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights.

Billboard – A large commercial sign that directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. In general, a billboard is a large off-premises sign.

Changeable Message or Graphics - A sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

Flashing and Message Signs - Any signs that include lights or messages which change flash, blink or turn on and off intermittently or any type of moving, traveling or changing message by means of lights or illumination, but **specifically excluding time and temperature and fuel price signs which display no other text or images**. Any sign that has intermittent or changing lighting or illumination for less than thirty (30) seconds is a flashing sign.

Glaring Signs - Signs with light sources or which reflect brightness in a manner that constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs. This includes signs that are illuminated to such intensity or without proper shielding, that may constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property.

Inflatable Objects, including, but not limited to, balloons. One bouquet of balloons shall be allowed on premises that sell balloons. Balloons are permitted in temporary situations at a special event or on special occasions at a residence.

Mirrors - No mirror device are to be a part of any sign.

Off-Premises - Signs are signs of any size that advertize a product or service at a different location than the building that the lot on which sign is located.

Obstructive Signs - A sign or other advertising devise erected or maintained at any road intersection in a manner as to obstruct free and clear vision of the intersection.

Portable - Sign, graphic or display for commercial, industrial, institutional, service, entertainment or informational purposes which can be readily moved from place to place and which is not affixed to a building, to another permanent structure or to the ground.

Posters and Handbills - Any sign affixed to trees or other natural vegetation, rocks or poles or attached to a street light, utility pole, hydrant, bridge, traffic-control device, street sign, or other city-owned building, facility, structure, or equipment, without the consent of the owner.

Simulated Traffic Signs and Obstructions - Any sign that may be confused with, or obstructs the view of, any authorized traffic sign or signal, obstructs the sight-distance triangle at any road intersection or extend into the public right-of-way.

Strings of Light or Pennants - Devices including lights, pennants or streamers that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows.

- a. Lights used temporarily as holiday decorations.
- b. Lights or other devices used on a temporary basis on lots where festivals, carnivals, fairs or other similar temporary activities are held.

Sign Emissions - No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted.

Vehicle or trailer that is permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign.

Signs that are **deteriorated, dilapidated, or unsafe**.

Freestanding Sign located on any railroad right-of-way that is not used for or related to railroad operations.

Section 607. General Requirements

All signs erected within City of Stuttgart shall conform to the City's building codes and to the following general requirements.

- A. **Fees** – For signs requiring adherence to the building code in terms of construction material and necessary inspections shall be assessed based on the cost of the sign as determined by the Code Enforcement Officer. An application and plans shall be submitted to City for review and approval prior to construction.
- B. **Sign Materials and Construction** - All signs shall be constructed of durable materials, designed to withstand expected wind pressures and erected so as not to sustain damage and deterioration from the elements. No sign shall contain iridescent or “day-glo” paints.
- C. **Maintenance** - Every sign shall be maintained in good repair and in a safe, clean and attractive condition.
- D. **Sign Illumination** - Illuminated signs or sign lighting devices shall employ only white lights emitting a light of constant intensity. No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed at or beamed upon a public road, highway, sidewalk or adjacent premises that could cause a traffic hazard or nuisance.
- E. **Street Rights-of-Way** - No sign or advertising device, including projecting signs, shall be located in or project over any road right-of-way nor be located within the clear sight triangle of any intersection. Exceptions include public signs or signs erected by a governmental agency.
- F. **Limitation on Number of Signs**- Any business shall be limited to two on-premises exterior signs advertising that business including free-standing, wall, projecting and roof signs attached to a building. One marquee, wall/window, projecting, or awning or canopy sign is permitted on each individual building.
- G. **Sign Location** - All freestanding signs shall be erected at least ten (10) feet from any property line or right-of-way outside all clear site triangles or a minimum of ten (10) feet from the edge of the street or road, whichever is the greater distance.
- H. **Sign Separation** - No freestanding on-premises sign shall be erected within two hundred (200) feet of any other freestanding on-premises sign.
- I. **Sign Location on Premises** - No freestanding on-premises sign shall be erected within seventy five (75) feet of any residences.

- J. **Sign Height** - No portion of any freestanding on-premises sign or display shall be more than twenty (20) feet above the highest elevation of the natural grade immediately adjacent to the sign.
- K. **Sight Hindrance** - No freestanding sign or display shall be erected that will block or obstruct the sight line of automobiles exiting from the premises.
- L. **Special Exception** - Any freestanding signs over fifty (50) square feet in area will be allowed only upon the granting of a special exception by the Zoning Board of Adjustment based on the criteria in this Article and the requirements of Section 208 as it applies to their actions.

Section 608. Manner of Measurement

- A. **Size:** The size of a sign is determined by its Effective Area. For Freestanding Signs, the Effective Area includes the entire Structure on which all signs are placed or mounted.
- B. **Effective Area (size measurement)** - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color forming an integral part of the display including the frame.
- C. **Setback:** The setback is measured perpendicularly from the curb line to the closest point of the Sign.
- D. **Height:** The height of a sign is measured from the natural ground level at the base of the Sign to the highest point of the sign.
- E. **Width:** The width of a sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.

Section 609. Nonconforming Signs

Any sign lawfully existing or under construction before the date of enactment of these sign regulations or upon any date on which these regulations are amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. Nonconforming signs may remain, provided they are maintained in good repair

- A. **Modifications** - Nonconforming signs shall not be enlarged, extended, structurally reconstructed or altered in any manner, except that the sign face (gross surface area portion of the sign) may be changed as long as the new sign face is equal to or reduced in height, sign area, and/or projection. A building permit is not needed for a new sign face, or a change in the advertising content appearing on the sign face unless there are electrical modifications or improvements.
- B. **Repair** - A nonconforming sign or the structure supporting the sign that is damaged or destroyed to the extent of greater than fifty percent (50%) or more shall not be altered, replaced or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than fifty percent (50%), the sign must be under repair within sixty (60) days. All repairs must be completed within six (6) months. The sign shall not be enlarged.
- C. **Removal** - A nonconforming sign or the structure supporting the sign shall be removed if the sign and/or the structure supporting the sign is damaged or destroyed to the extent of fifty percent (50%) or more. Any sign that is determined to be substantially **deteriorated, dilapidated, or unsafe** shall be removed.

Section 610. Interpretation

Unless otherwise specifically provided, references to “sign area” or “sign size” are per sign side. The designated Code Enforcement Officer shall be responsible for the administration and interpretation of the requirements of this Article. The Zoning Board of Adjustment shall hear any appeals of interpretation and shall determine the validity of the appeal.

Section 611. Severability

The various sections, subsections, paragraphs, and clauses of this Ordinance are severable and in the event that any section, subsection, paragraph, or clause is judged invalid, the remainder of the Ordinance shall remain in full force and effect.

Section 612. Protection of First Amendment Rights

Any sign, display or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

ARTICLE 7, FENCE REGULATIONS

Title, Purpose, Application, and Requirements.

Section 701. Title

Fences Regulations (of the Unified Development Code)

Section 702. Purpose

This section is intended to provide guidance as to the regulations for the construction and maintenance of fences, enclosures and barriers. In general, a fence is an enclosing barrier that prohibits through passage.

More specifically, a fence is any wall or structure more than twelve (12) inches in height erected or maintained for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard. Fences restrict access to yards and in particular, swimming pools. Any, and all, fences shall not restrict the visibility for proper vision for pedestrian and vehicular traffic at intersections and/or corners.

Section 703. Application

This Article applies to all fences, enclosures and barriers within the corporate limits of the City of Stuttgart.

Section 704. General Requirements and Restrictions

Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to a sight visibility requirements. An additional clear zone may be required by the city engineer.

No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:

- A. Underground drainage easements that contain non-pressurized storm sewer pipes.
- B. Underground sanitary sewer easements that contain non-pressurized pipes.
- C. Utility easements if written permission is granted by all users.

No drainage easement, public or private, shall be fenced or obstructed in any manner, if the drainage is above ground. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance.

No fence erected within the city limits shall be electrically charged in any manner except in the Agricultural (A) Zoning District.

No fence shall be constructed of barbed wire except on property in an Agricultural (A) Zoning District and is five acres or greater in size.

All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach shall be required for all vehicle gates and shall be reviewed and approved by the Code Enforcement Officer.

Section 705. Fence Height

No solid fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this section. Any portion of a fence in excess of six (6) feet in shall be no more than fifty percent solid. Additional height of a solid fence requires a variance by the Zoning Board of Adjustment.

No fence shall be constructed in the required front yard building setback area of except that a decorative fence may be constructed to a height no greater than four (4) feet above the finished lot grade and the solid area of such fence shall not exceed fifty (50) percent of the total.

In B-1, I-1 and I-2 zoning districts, fences six feet or greater in height may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, City, County, or State rights-of-way, easements or private property.

Section 706. Permitted Materials

Permitted materials are:

- A. Wood;
- B. Metal tubing;
- C. Wrought iron;
- D. Stone;
- E. Masonry; and,
- F. Chain link.

Vinyl or fiberglass composite materials may be utilized if the material is listed, designed and constructed for fencing materials. Metal posts are allowed on wood fences.

Section 707. Prohibited Materials

The following materials are prohibited.

- A. Rope;
- B. String;
- C. Wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code);
- D. Razor ribbon wire and similar welded or woven wire fabrics;
- E. Chain;
- F. Netting,
- G. Cut or broken glass;
- H. Paper;
- I. Metal panels;
- J. Corrugated metal panels;
- K. Galvanized sheet metal, plywood;
- L. Fiberglass panels;
- M. Plastic panels; or,
- N. Any other materials that are not manufactured specifically as fencing materials.

The Code Enforcement Officer may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

A fence shall not be constructed of used, damaged or unsafe materials unless it can be determined by the Code Enforcement Officer that they meet the requirements of the building code for new materials.

Section 708. General Maintenance

All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately upon notification. All devices or safeguards shall be maintained operable.

The owner or his designated agent shall be responsible for the maintenance of the fence. To determine compliance of this section, the Code Enforcement Officer may cause any fence to be inspected and the owner notified of the requirements for maintenance.

Section 709. Swimming Pool Enclosure Requirements

All private swimming pools shall have a fence or enclosure around the entire pool a minimum height of six feet measured on the side of the fence which faces away from the swimming pool.

All access gates shall be equipped to accommodate a locking device. Gates shall have self-closing and self-latching devices which shall meet the following three requirements:

- A. The release mechanism of the self-latching device must be located not less than 45 inches from the grade below the gate.
- B. The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate.
- C. The gate and fence shall have no opening greater than one-half inch within 18 inches of the release mechanism.

Where a wall of a dwelling serves as part of the fence, direct access to the pool through the wall shall be limited to doors and windows which meet the following conditions:

- A. Windows leading to the pool area shall have a latching device at least 54 inches above the floor.
- B. Hinged doors leading to the pool area shall be self-closing and shall have a self-latching device. The release mechanism, if not self-locking, shall be located at least 54 inches above the floor.
- C. Sliding doors or sliding screen doors leading to the pool area shall be self-closing and shall have a self-latching device. The release mechanism, if not self-locking, shall be located at least 54 inches above the floor.
- D. Fences shall be located so as to prohibit permanent structures, landscaping objects, stationary equipment, or similar objects from being used to climb the fences.

All semipublic swimming pools shall have a fence/enclosure which complies with the following:

- A. The top of the fence shall be at least 72 inches above grade measured on the side of the fence which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the fence which faces away from the swimming pool shall be two inches. Where the fence is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the fence shall be two inches.
- B. Openings in the fence shall not allow passage of more than a four-inch diameter sphere.
- C. Maximum mesh size for chain link fences shall be a 1 3/4-inch square unless the fence is provided with slats fastened at the top and the bottom which reduce the openings to no more than 1 3/4 inches.
- D. Where the fence is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 3/4 inches. All access gates shall be equipped to accommodate a locking device. Gates shall have self-closing and

self-latching devices which shall meet the following three requirements:

1. The release mechanism of the self-latching device must be located not less than 45 inches from the grade below the gate.
2. The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate.
3. The gate and fence shall have no opening greater than one-half inch within 18 inches of the release mechanism.

Section 710. Permit Required for Fences in Nonresidential Zoning Districts

A. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence in all nonresidential zoning districts without first obtaining a separate building permit for each fence from the Code Enforcement Officer. The procedure and requirements shall be the same as a building permit. The permit application shall include plans and specifications with the following information:

1. Building locations and area to be fenced;
2. Legal description of land to be fenced;
3. Zoning;
4. Height of fence;
5. Type of materials to be used;
6. Intersections of streets, roads, highways, alleys and driveways;
7. Corner "visibility triangle," when required, shall be shown; and,
8. Applicable Fee

B. Inspection

Upon completion of work authorized under this section it shall be the duty of the applicant to notify the building official of the building inspection division of the community development department that such work is ready for inspection. Required inspections shall include:

1. Alignment inspection: when all post or support structures are in place.
2. Final inspection: when the fence has been completed.

C. Revocation of Permit

The Code Enforcement Officer may, in writing, suspend or revoke a permit issued under the provisions of this article whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any code or ordinance of the city or any of the provisions of this article.

Section 711. Compliance and Appeal

Any person notified for noncompliance with this Article by the Code Enforcement Officer, or whose permit is suspended or revoked, may appeal such decision for consideration by the Zoning Board of Adjustment, whose decision shall be final. The appeal must be made within ten (10) days of receiving written notification.