

DRAFT

R-4 Zoning

Includes: R4 zoning,
parking code, and
residential
compatibility code

City of Tontitown

2-10-2021

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

§ 153.060 ZONING DISTRICTS ESTABLISHED.

The following zoning districts, which may be referred to by their abbreviations, are hereby established:

(A) Base zoning districts:

- A Agriculture
 - R-E Estate Single-Family Residential - two-acre minimum lot size
 - R-1 Single-Family Residential - one-acre minimum lot size
 - R-2 Single-Family Residential - one-half acre minimum lot size
 - R-3L Single-Family Residential - 14,520 square foot minimum lot size one-third acre
 - R-3 Single-Family Residential - 9,600 square foot minimum lot size; provided density shall not exceed three units/acres
 - R-4 Single-Family Residential – 8,000 square foot minimum lot size; provided the density shall not exceed four (4) units/acre**
 - RMF-16** Multi-Family Residential - 16 units/acre maximum
 - R-MH Residential-Mobile Homes
 - C-1 Light Commercial/Office
 - C-2 General Commercial
 - I Industrial
 - EU-L Exclusive Use-Landfill
- (B) Overlay and special purpose zoning districts
- P Planned Unit Development District

(Ord. 2017-05-635, passed 5-2-17; Am. Ord. 2020-07-892, passed 7-7-20)

§ 153.061 ZONING DISTRICT HIERARCHY.

References to less restrictive, more restrictive, less intensive and more intensive zoning districts refer to the base zoning districts established above; and represent a progression from the A district as the most restrictive (or least intensive) base district to the I district as the least restrictive (or most intensive) base district. Overlay and special purpose districts are not included in the zoning district hierarchy.

(Ord. 2017-05-635, passed 5-2-17)

§ 153.062 ZONING DISTRICT BOUNDARY MAP.

(A) The location and boundaries of the zoning districts established herein are defined as shown on a map entitled "Official Zoning Map of the City of Tontitown, Arkansas," which is on file in the office of the Clerk-Treasurer. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of these regulations. The official zoning map shall be certified as such by signature of the mayor, attested by the Clerk-Treasurer.

(B) If, in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map within 30 days after the amendment has been approved by the City Council.

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

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

(Ord. 2017-05-635, passed 5-2-17)

§ 153.063 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the zoning official shall employ the following rules in interpretations thereof. Decisions of the zoning official are subject to appeal to the Board of Zoning Adjustment.

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

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

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

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

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

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

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

(Ord. 2017-05-635, passed 5-2-17)

§ 153.064 CLASSIFICATION OF ANNEXED LANDS.

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

(Ord. 2017-05-635, passed 5-2-17)

§ 153.065 VACATION OF PUBLIC RIGHTS-OF-WAY.

Whenever any street, alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land.

(Ord. 2017-05-635, passed 5-2-17)

DISTRICT REGULATIONS

§ 153.080 AGRICULTURE AND RESIDENTIAL DISTRICTS; GENERAL DESCRIPTION.

- (A) Counting the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a "holding" zone for subsequent higher density consideration, there are eight districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. Five of the districts are for low-density single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low density, residential environment. One district is intended for medium-density single-family uses, and one exists for multi-family residential uses. More specific descriptions of the residential districts are as follows and it is the intent and desire of the city that all zoned areas, be served by municipal water and sanitary sewer service.
- (B) *Agriculture district.* The purpose of this district is to provide for a very low density single-family district, while helping preserve existing agricultural resources, and to guide the conversion of these lands to higher density residential use when appropriate. Agricultural areas should be protected for development by appropriate standards until they are well served by public facilities and services that will permit higher density residential development.

- (C) *R-E, Estate Single-Family district.* The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help establish and preserve rural/estate character in certain areas of the city.
- (D) *R-1, Single-Family Residential.* The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least one acre. This zone is generally applied on the fringe of built-up areas of the city, and may act as a buffer to R-E zones.
- (E) *R-2, Single-Family Residential.* This district is intended to provide single-family residential uses on moderately sized, low-density lots of at least one-half acre.
- (F) *R-3-L, Single Family Residential.* This district is intended to provide single-family residential uses on moderately sized, low-density lots of at least 14,520 square feet, one-third acre.
- (G) *R-3, Single-Family Residential.* This district is characterized by single-family residential development on medium-sized lots of at least 9,600 square feet, with density not exceeding three units/acre. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher to lower density residential and other types of development. It is the intent and desire of the city that R-3 zoned areas, which typically have smaller sized lots, be served by municipal water and sanitary sewer service.
- (H) *R-4, Single Family Residential.* This district is characterized by single-family or duplex residential development on medium sized lots of at least 8,000 square feet, with density not exceeding four (4) units/acre. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher to lower density residential and other types of development. It is the intent and desire of the city that R-4 zoned areas, which typically have smaller sized lots, be served by municipal water and sanitary sewer service.
- (I) *R-MF-16 Multi-Family Residential.* This district is to provide for multi-family development and is characterized by traditional apartment-type units in attached living complexes. Congregate housing for the elderly is also anticipated in this zone. The maximum density in this district is sixteen (16) dwelling units to the acre. *It is the intent and desire of the city that R-MF-16 zoned areas be served by municipal water and sanitary sewer service.*
- (J) *R-MH Manufactured Home/Mobile Home Residential.* This district is to provide for replacement of manufactured home/mobile homes on individually owned lots. Areas so classified must have all municipal services available. A maximum density in this district is one unit per acre.
- (K) *Uses permitted.*

(1) Uses permitted in the residential districts are set forth in the following table. Where the letter "P" appears opposite a listed use and underneath a residential district, the use is permitted in that district "by right" subject to:

- (a) Providing off-street parking and loading facilities as required by § [153.210](#);
 - (b) Providing landscaping and screening as provided by § [153.212](#); and
 - (c) Conformance with special conditions applying to certain uses as set forth in § [153.160](#) et seq.
- (2) Only one principal structure per lot shall be permitted in R-E, R-I, R-2, R-3 and R-3L single-family districts. In addition to the accessory uses provided for in § [153.040](#) et seq., an accessory structure may be permitted for sheltering a riding horse on a residentially zoned lot or parcel with a minimum area of two acres, provided:
- (a) The structure is at least 100 feet from adjacent property lines;
 - (b) No more than two horses are kept and sheltered on the property; and
 - (c) The stall area does not exceed 450 square feet.
- (3) In A districts, only one principal dwelling structure per lot shall be permitted.
- (L) Where the letter "C" appears instead of "P", the use is permitted subject to acquiring a conditional use permit as set forth in §§ [153.120](#) et seq. Where neither "P" nor "C" appears, and "NP" appears in the table, the use is not permitted.
- (M) *Uses not listed.* When a use is proposed that is not listed in this chapter, the Building Official shall recommend the appropriate districts based on land uses that are similar in size, bulk, and traffic generation, If the applicant does not agree with this interpretation, he or she may appeal the interpretation to the Board of Zoning Adjustment.

Zoning Districts	A	RE	R-1	R-2	R-3L	R-3	R-4	R-MF-16	R-MH
Residential uses									
Single-family detached	P	P	P	P	P	P	P	P	NP
Duplex	NP	NP	NP	NP	NP	NP	C	P	NP
Townhome (triplex, 4-plex)	NP	NP	NP	NP	NP	NP	NP	P	NP
Detached accessory	P	P	P	P	C	C	C	NP	NP

Zoning Districts	A	RE	R-1	R-2	R-3L	R-3	R-4	R-MF-16	R-MH
dwelling unit (ADU)									
Emergency Housing Unit	C	C	C	C	C	NP	NP	NP	NP
Multi-family (more than 4-plex)	NP	NP	NP	NP	NP	NP	NP	P	NP
Manufactured Housing Unit	NP	NP	NP	NP	NP	NP	NP	NP	P
Manufactured Housing, residential design	NP	NP	C	NP	NP	NP	NP	NP	P
Manufactured housing park	NP	NP	NP	NP	NP	NP	NP	C	C
Group Residential	NP	NP	NP	NP	NP	NP	NP	C	NP
Civic and Commercial uses									
Airport or airstrip	C	C	NP	NP	NP	NP	NP	NP	NP
Animal care, general	C	NP	NP	NP	NP	NP	NP	NP	NP
Animal care, limited	C	NP	NP	NP	NP	NP	NP	NP	NP
Automated teller machine	NP	NP	NP	NP	NP	NP	NP	P	NP
Bed and breakfast	C	C	C	NP	NP	NP	NP	NP	NP

Zoning Districts	A	RE	R-1	R-2	R-3L	R-3	R-4	R-MF-16	R-MH
Cemetery	C	C	C	C	C	C	C	C	NP
Church	P	C	C	C	C	C	C	P	NP
College or university	C	NP	NP	NP	NP	NP	NP	P	NP
Communication tower	C	C	C	C	C	C	C	C	NP
Convenience store	NP	NP	NP	NP	NP	NP	NP	C	NP
Day care, limited (family home)	C	NP	C	C	C	C	C	C	NP
Day care, general	NP	NP	NP	NP	NP	NP	NP	C	NP
Golf course	C	C	C	C	C	C	C	P	NP
Government service	C	C	C	C	C	C	C	P	NP
Hospital	NP	NP	NP	NP	NP	NP	NP	C	NP
Library	C	C	C	C	C	C	C	P	NP
Medical services	NP	NP	NP	NP	NP	NP	NP	C	NP
Museum	C	C	C	C	C	C	C	C	C
Nursing home	NP	NP	NP	NP	NP	NP	NP	C	NP
Parks and Recreation	P	C	C	C	C	C	C	P	NP
Post office	NP	NP	NP	NP	NP	NP	NP	C	NP

Zoning Districts	A	RE	R-1	R-2	R-3L	R-3	R-4	R-MF-16	R-MH
Recreation/entertainment, outdoor	C	NP	NP	NP	NP	NP	NP	NP	NP
Safety services	C	NP	NP	NP	NP	NP	NP	NP	NP
School, elementary/middle	C	C	C	C	C	C	C	P	NP
Utility, major	C	C	C	C	C	C	C	C	NP
Utility, minor	P	P	P	P	P	P	P	P	NP
Vocational school	C	NP	NP	NP	NP	NP	NP	C	NP
Manufacturing and extractive uses									
Asphalt or concrete plant	NP	NP	NP	NP	NP	NP	NP	NP	NP
Mining or quarrying	NP	NP	NP	NP	NP	NP	NP	NP	NP
Sod farm	C	NP	NP	NP	NP	NP	NP	NP	NP
Topsoil	C	NP	NP	NP	NP	NP	NP	NP	NP
Agricultural uses									
Agriculture, animal	P*	C	C	C	C	C	C	C	NP

Zoning Districts	A	RE	R-1	R-2	R-3L	R-3	R-4	R-MF-16	R-MH
Agriculture, crop	P	P	P	P	C	C	C	C	NP
Agriculture, product sales	P	C	C	C	C	C	C	C	NP
Animal, farm	P	P	P	P	P	P	C	NP	NP
Chicken, hobby	P	P	P	P	P	P	P	NP	NP

* All concentrated feedlot operations for livestock shall be subject to conditional use approval.

- (N) *Lot, yard and height regulations.* Except as otherwise provided herein, no lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.
- (O) *Minimum dimension requirements.* **SEE APPENDIX.**
- (P) When an existing lot is reduced because of conveyance to a federal, state or local government. For a public purpose, and the remaining area is at least 75% of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
- (Q) Utility facilities, using land or an unoccupied building requiring less than 1,000 square feet of site area, are exempt from minimum lot size requirements of all districts.
- (R) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.
- (S) Residential storage sheds of less than 250 square feet in size are exempted from setback requirements if:
 - (1) The structure is portable.
 - (2) The structure is maintained in good condition.

- (3) The area around the structure is maintained in good condition.
- (T) Certain architectural features may project into required yards (setback) as follows:
- (1) Cornices, canopies, eaves, or other architectural features, may project a distance not to exceed 30 inches.
 - (2) Fire escapes may project a distance not exceeding four-and-a-half feet from the exterior wall of the building.
 - (3) An uncovered stair and necessary landings may project a distance not to exceed three feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet in height.
 - (4) Bay windows, balconies, and chimneys may project a distance not exceeding 30 inches, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (U) When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.
- (V) *Setback averaging.* When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street, and are less than the required street setback, applicants shall be allowed to use the "average" street setback on that block. In such cases, the "average setback" shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications; provided that in no case shall more than six lots on either side of the subject property be included in the calculation.
- (W) When adjacent to R-E, R-I, R-2, R-3L, R-3, R-4, or R-MH districts, multi-family residential and nonresidential structures over one story or 15 feet in height shall have an additional eight-foot side and rear setback for every additional story or 15 feet in building height.
- (X) Maximum height limitation is 35 feet in all residential zones with the exception of the A and R-MF-16 districts, where the limitation is 45 feet. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flagpoles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval.

ACCESSORY USES

§ 153.140 GENERAL DESCRIPTION.

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

(Ord. 2017-05-635, passed 5-2-17)

§ 153.141 LOCATION REQUIREMENTS AND STANDARDS.

(A) An accessory building shall not be located within a required street (front or street side) setback; shall be subject to all setback standards of the underlying zoning district; shall not be located within any public easement or over any known utilities or septic system lines. Accessory buildings, in all zones, shall not exceed the gross floor area of the principal use or as noted below, as long as the zoning district listed meets minimum lot size. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

A.	N/A
RE	N/A
R-1	100%
R-2	100%
R-3L	67%
R-3	67%
R-4	67%
R-MF-16	67%
R-MH	67%

****Note**** If the primary use is residential, and it is located in a commercial or industrial zoning district, the setback requirements would follow the zoning district in which located.

(B) An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least

ten feet from any other structure or as provided in the building code whichever is more restrictive.

(C) With regard to height limitations, accessory structures in residential districts shall not exceed the height of the primary structure, measured from the eave; and in commercial and industrial districts, such structures shall not exceed 25 feet in height or the height of the principal structure on the lot.

(Ord. 2017-05-635, passed 5-2-17; Am. Ord. 2017-12-668, passed 12-5-17)

§ 153.142 RESIDENTIAL ACCESSORY USES.

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

(B) *Home occupations permitted.*

(1) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.

(2) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.

(3) The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.

(4) The home office or business does not cause interference with any type of communication signal reception in the vicinity.

(5) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

(6) The home office or business sells no articles on the premises that are not produced on the premises.

(7) The home office or business occupies no more than 10% of the total floor area of the residence.

(8) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.

(9) Not more than one truck of not more than one and one-half ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises, except as allowed by conditional use.

(10) Customers may visit the site only during the hours of 8 a.m. to 8 p.m., and no more than six customers or clients may visit the site in any single day.

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

(C) *Home occupations prohibited.* Prohibited home occupations include, but are not limited to the following:

(1) Barber and beauty shops with more than one chair, and requiring any upgrade in electric service.

(2) Dispatch centers, where workers come to the site to be dispatched to other locations.

(3) Commercial stables, kennels, and animal boarding and care facilities.

(4) Assembly or repair of large appliances.

(5) Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.

(D) *Garage sales.* Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:

(1) Each such sale shall be permitted by a approved garage sale application.

(2) Each property address and/or person shall be limited to no more than four such sales per year.

(3) Sales shall not last longer than three consecutive days.

(4) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.

(5) Directional and advertising signs, not larger than nine square feet, shall be free standing; that is, they shall not be placed on traffic or official signs, utility poles or trees, and shall be removed promptly after completion of the sale.

(Ord. 2017-05-635, passed 5-2-17; Ord. 2017-12-669, passed 12-5-17)

§ 153.143 NONRESIDENTIAL ACCESSORY USES.

Nonresidential accessory uses are allowed only in association with permitted, nonresidential principal uses and shall include, but not be limited to, the accessory uses, activities, facilities, and structures enumerated below. Such uses shall not be allowed if such would cause or increase parking nonconformity for the principal use. Such use may also necessitate additional required parking because of its own nature or character. Accessory uses shall not occupy required parking areas, or off-street parking areas (spaces or isles) approved as part of a site plan. Nonresidential accessory uses include:

- (A) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use.
 - (B) Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel.
 - (C) Guard houses, gates, fences and walls.
 - (D) Offices for allowed business and industrial uses when the office is located on the same site as the principal use.
 - (E) Parking garages, and off-street parking and loading facilities.
 - (F) Radio and television receiving antennas.
 - (G) Restaurants, newsstands, gift shops, swimming pools, tennis courts, workout rooms, club and lounges when in a permitted hotel, motel or office building.
 - (H) Sale of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use.
 - (I) The storage of merchandise when located within the same building as the principal business.
 - (J) On-premise commercial, bulletin, nameplate, and real estate signs, provided such are non-flashing.
 - (K) Other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.
- (Ord. 2017-05-635, passed 5-2-17)

GENERAL STANDARDS

§ 153.210 OFF-STREET PARKING AND LOADING

- (A) Applicability.
 - (1) Off-street parking and loading shall be provided in accordance with the regulations of this section for all new development, and for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats.
 - (2) *Parking and loading schedules.*
 - (a) *Off-street parking schedule A.* Off-street parking spaces shall be provided in accordance with the following off-street parking schedule ("Schedule A"). In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B.
 - (b) The number of parking spaces required for a use not listed herein shall be the same as for a similar use that is listed. When the required number of spaces cannot be

ascertained by this method, or if the applicant and the city staff cannot agree, the matter shall be submitted for Planning Commission determination. Such determination shall be subject to appeal to the City Council.

Schedule A

<i>Residential uses</i>	<i>Minimum Number of spaces required</i>
Single-family detached	4 per dwelling/unit. Two spaces may be within a garage/carport structure (attached or detached), and the other two spaces may be within the driveway. Minimum driveway length shall be 25 feet measured from the street right-of-way.
Duplex	2 per dwelling unit
Multi-family	1.25 per efficiency unit 1.75 per one-bedroom unit 2.25 per two-bedroom unit
Manufactured housing (all)	2 per dwelling unit
Manufactured housing park	2 per unit, plus 1 for each 10 units
Zero lot line single-family	2 per dwelling unit
<i>Civic and commercial uses</i>	<i>Minimum Number of spaces required</i>
Animal care, general	1 per 400 square feet
Animal care, limited	1 per 300 square feet
Auditorium, arena, theater	1 for each 4 seats, based on maximum capacity
Bank or financial institution	1 per 300 square feet
Bed and breakfast	2 per building, plus 1 per guest room
Church	1 for each 4 seats in the sanctuary (sharing possible)
College or university	1 per 300 square feet, or 1 for each 2 students, whichever is greater
Communication tower	1 space (plus office space, if on site)
Construction sales and service	1 per 500 square feet
Convenience store	1 per 200 square feet
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Funeral home	1 for each 4 chapel seats, plus 1 per employee
Government service	1 per 300 square feet
Hospital	1 for each bed
Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet

Office, general	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
Restaurant, fast food	1 per 75 square feet of customer service/dining area 1 per 200 square feet if no such service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
Retail/service, general	1 per 250 square feet
Retail/service, furniture and bulky items	1 per 500 square feet
School, nursery, elementary and middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus 1 per pump
Vehicle and equipment sales	1 per 500 square feet
Vehicle repair, general or limited	5 per service bay
Vocational school	1 per 3 students, plus 1 per faculty member
Warehouse, residential (mini) storage	1 for each 5 storage bays, or 1 per 1,000 square feet, whichever is greater
Industrial and manufacturing uses	Minimum Number of spaces required
Asphalt or concrete plant	Spaces to be provided pursuant to Schedule B
Auto wrecking or salvage yard	Spaces to be provided pursuant to Schedule B
Manufacturing, general	Spaces to be provided pursuant to Schedule B
Manufacturing, limited	Spaces to be provided pursuant to Schedule B
Research service	1 per 300 square feet
Warehousing	Spaces to be provided pursuant to Schedule B
Welding or machine shop	1 per 1,000 square feet or 1 per employee, whichever is greater

(c) *Off-street loading schedule.* Off-street loading space shall be provided in accordance with the following minimum standards:

Off-Street Loading Schedule

Retail and service, warehouse, wholesale, and manufacturing uses	
Floor area (square feet)	Minimum off-street loading requirement
3,000 to 25,000	1
25,001 to 85,000	2
85,001 to 155,000	3
155,001 to 235,000	4
235,001 to 325,000	5
325,001 to 425,000	6
425,001 to 535,000	7
535,001 to 655,000	8
655,001 to 775,000	9
775,001 to 925,000	10
925,001 or more	10, plus 1 per 200,000 square feet above 925,001
Office, nursing home, hospital, hotels and institutions	
100,001 to 335,000	2
335,001 to 625,000	3
625,001 to 945,000	4
945,001 or more	5, plus 1 per 500,000 square feet above 945,001

(3) *Computing off-street parking and loading requirements.*

(a) *Multiple uses.* Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

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

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

(d) *Employees, students and occupant-based standards.* For the purpose of computing parking requirements based on the number of employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

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

(4) *Location and design of off-street parking and loading spaces.*

(a) *On-site*. Except as otherwise specifically provided, required off-street parking and loading spaces shall be located on the same lot as the principal use.

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

(c) *Setbacks*. In R-E, R-1, R-2, R-3-L, R-3, R-4, R-MF-16 and R-MH districts, required off-street parking shall not be located within a street (front or street side) setback. Parking in excess of the required number of spaces is allowed in the street setback, but not off the driveway, and not in a manner that obstructs sidewalks or visibility.

(d) Where parking is to be provided in the street setback of a multi-family dwelling, there shall be established a parking setback line of ten feet. The area between the parking setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover not inconsistent with other landscaping provisions contained herein, and protected by interior curbing.

(e) In all commercial and industrial districts, required parking is allowed within the street setback; however, public right-of-way except for the driveway, shall not be graveled or hard-surfaced.

(f) *Ingress and egress*. Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to "back" onto a public right-of-way, except single family and duplex residential development on local streets.

(g) *Surfacing*. All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete, or brick, a minimum of 100 feet from the street frontage right-of-way. Areas designated for display of items for sale, e.g. vehicles, tractors, implements, ATVs, RVs and the like, will not be required to adhere to this requirement. Residential driveways, not in a platted subdivision shall be required to pave with asphalt, concrete, or brick, the portion of driveway from the edge of the street pavement to the property line or the right-of-way according to the master street plan, whichever is greater.

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

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

(j) *Striping.* Off-street parking areas containing five or more spaces shall have parking spaces delineated by pavement striping.

(k) *Parking space dimensions.* Off-street parking spaces shall contain a minimum area of at least 180 square feet, with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

Parking space dimensions for Residential Subdivision. Off-street parking spaces located outside of a garage/carport structure shall contain a minimum area of at least 225 square feet per parking space, with a minimum width of nine (9) feet, and a minimum length of twenty-five (25) feet, measured from the street right-of-way.

(l) *Loading space dimensions.* Off-street loading spaces shall be a minimum of 14 feet by 45 feet in size, with a minimum height clearance of 18 feet.

(m) *Aisle dimensions.* Drive aisles within off-street parking lots shall comply with the following minimum width requirements:

Parking angle	One-way aisle	Two-way aisle
90°	24 feet	24 feet
60°	18 feet	24 feet
45°	16 feet	24 feet
30°	13 feet	24 feet

(n) *Timing of construction.* All required parking and loading spaces, driving aisles, and access ways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued by the city's inspection department if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this "timing" requirement. Before approval of a temporary certificate of occupancy, the parking area subgrade and (SB2) stone base shall be compacted in accordance with the city's construction standards. The temporary certificate of occupancy shall expire at the end of one120 days or within such shorter timeframe specified by the inspection department at the time of approval of the certificate.

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

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

(a) *Ineligible activities.* Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores, or other convenience-oriented uses.

(b) *Location.* No off-site parking area shall be located more than 80 feet from the required parking lot of the use served, unless a shuttle service is provided. Distance shall be measured along the shortest legal, practical walking route.

(c) *Zoning classification.* Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.

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

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

(a) *Location.* Shared off-street parking spaces shall be located no further than 300 feet from the building and uses they are intended to serve unless shuttle service is provided.

(b) *Study.* An acceptable parking study provided by the applicant shall be submitted which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year.

(c) *Agreement.* A shared parking plan shall be enforced through written agreement. Proof of recording of the agreement shall be presented prior to issuance of a building permit.

(d) *Revocation of certificate of occupancy.* Failure to comply with the shared parking provisions of this article shall constitute a violation of these regulations, and shall specifically be cause for revocation of a certificate of occupancy.

(7) *Outdoor parking/storage of boats, trailers, and recreational vehicles.* One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

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

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

(c) The boat, trailer and/or recreational vehicle is located in the side or rear yard;

(d) The boat, trailer and/or recreational vehicle is not used for living, sleeping or housekeeping purposes;

(e) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law; and

(f) The area must be kept free of weeds and debris.

(8) *Vehicle stack space for drive-thru facilities.* In addition to meeting the off-street parking requirements of the section, establishments with drive-thru facilities shall comply with the following minimum vehicle stack space standards.

(a) *Stack space schedule.*

1. Fast-food restaurants, 110 feet, as measured from the order station.
2. Banks, 70 feet, as measured from the teller drop.
3. Automatic car washes, 50 feet, as measured from the entrance.
4. Other uses, 30 feet, as measured from the pick-up window.

(b) *Design and layout.* Vehicle stack spaces shall be subject to the following design and layout standards.

1. Stack spaces shall be designed so as not to impede pedestrian access to the building, on and off-site traffic movements, or movements into or out of parking spaces.

2. Stack space lanes shall be a minimum of eight feet wide, and shall be separated from other internal driveways with painted lines or curbing.

(Ord. 2017-05-635, passed 5-2-17)

§ 153.214 RESIDENTIAL COMPATIBILITY STANDARDS.

The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

(A) *Applicability (triggering property)*. Compatibility standards shall apply to all development in the A, R-MF-16, C-1, C-2, and I zoning districts when such development is adjacent to "triggering property," which shall include all property:

(1) Occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

(2) Zoned in an R-E, R-1, R-2, R-3L, R-3 or R-4 district.

(B) *Exemptions*.

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an R-E, R-1, R-2, R-3L, R-3 or R-4 district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards*. The following setback standards shall apply to all development that is subject to compatibility standards:

(a) *Small sites*. On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(b) *Large sites*. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(c) *Surface-level parking and driveways*. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of ten feet from the lot line of triggering property.

(4) *Building height.* No structure shall exceed 35 feet in height within 50 feet from the lot line of triggering property.

(5) *Screening standards.* Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(6) *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

(Ord. 2017-05-635, passed 5-2-17)

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