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City of Tontitown

3-24-2021

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
- N-C Neighborhood Commercial
- C-1 Light Commercial/Office
- C-2 General Commercial
- C-T Trades and Services
- LI Light Industrial
- 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)

153.081 COMMERCIAL DISTRICTS.

(A) *General description, commercial districts.* Commercial districts are principally intended for the provision of services and the conduct of business and retail and wholesale trade essential to support residents within the city and the surrounding area.

~~Two-Four~~ such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in the city.

(1) N-C, Neighborhood Commercial. This district is intended to be embedded in and serve residential neighborhoods. Home office uses, childcare, and small retail and service type businesses that will not disrupt the normal and orderly development of the surrounding area are anticipated. Buildings are to be of residential character regarding outward appearance.

~~(E2)~~ C-1, Light Commercial/Office District. This district is intended to accommodate administrative, executive, and professional offices and associated uses, as well as limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. ~~Buildings are to be of residential character regarding outward appearance.~~ Uses with drive-thru service such as restaurants, banks, and pharmacies shall be planned in a way to minimize physical and visual impact on the pedestrian realm.

~~(D3)~~ C-2, General Commercial District. This purpose of this district is to provide appropriate locations for commercial and retail uses that are convenient and serve the needs of the public. This district also provides locations for limited amounts of merchandise, equipment, and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are generally along heavily traveled arterial streets, where convenient access and high visibility exist. However, development of groupings of facilities shall be encouraged in the future, as opposed to less desirable strip commercial, such as that that exists along U.S. 412.

~~(E4)~~ C-T, Commercial Trades and Services. The purpose of this district is to provide appropriate locations for commercial uses that do not require high public visibility and may have a Limited Manufacturing or ancillary warehouse/storage component. Some uses may have retail storefronts. Uses such as screened equipment yards, Limited Manufacturing, and small warehousing spaces are anticipated in this zone.

153.082 INDUSTRIAL DISTRICTS.

~~(A)~~ L-1, Light Industrial, the light industrial zoning district is intended to provide for the development of light intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to assure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include, warehousing, wholesaling, packaging, storage, storage yards, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable

transportation facilities are a necessity to this district. Industrial uses must be screened from more restrictive uses.

(B) *I, Industrial*, the industrial zoning district is intended to provide for the development of light to medium intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to ~~assure~~ensure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include freight terminals, warehousing, wholesaling, packaging, storage, storage yards, fabrication, display and such ~~limited~~ manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a necessity to this district. Industrial uses must be screened from more restrictive uses.

§ 153.083 COMMERCIAL AND INDUSTRIAL USES AND EXCLUSIVE USE-LANDFILL USES PERMITTED.

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

- (1) Providing off-street parking and loading facilities as required by § [153.210](#);
- (2) Providing landscaping and screening as required by § [153.210](#); and
- (3) Conformance with special conditions applying to certain uses as set forth in § [153.160](#) et seq. Commercial uses must be screened from more restrictive uses.

(B) 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 within the table, and "NP" appears, the use is not permitted.

(C) *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	NC	C1	C2	CT	LI	I	EU-L
RESIDENTIAL USES							
Single-family detached	P	C	C	C	C	C	NP
Duplex	C	C	C	C	C	C	NP
Loft Living Space	P	P	P	P	C	C	NP
Townhomes (see Lot, Yard and Height Regulations for requirements)	C	C	C	C	C	C	NP
Multi-family	NP	NP	NP	NP	<u>GNP</u>	<u>GNP</u>	NP
CIVIC AND COMMERCIAL USES							
Airport or airstrip	NP	NP	NP	NP	NP	C	NP
Animal care, general	NP	<u>GNP</u>	P	C	<u>GP</u>	<u>GP</u>	NP
Animal care, limited	NP	P	P	P	P	<u>NPP</u>	NP

Zoning Districts	NC	C1	C2	CT	LI	I	EU-L
Auditorium or stadium	NP	NP	C	C	NPC	C	NP
Automated teller machine (ATM)	P	P	P	P	P	P	NP
Bank or financial institution	C	P	P	P	P	P	NP
Bed and breakfast	C	P	P	C	C	NP	NP
Car wash	NP	C	P	C	P	P	NP
Cemetery	P	P	P	P	P	P	NP
Church	P	P	P	P	P	P	NP
College or university	NP	P	P	P	P	P	NP
Communication tower	NP	C	C	C	C	PC	PC
Construction sales or service	NP	NP	P	P	P	P	NP
Convenience store	NP	P	P	P	P	C	NP
Day care, limited (family home)	P	P	P	PC	C	C	NP
Day care, general	P	P	P	P	C	C	NP
Entertainment, adult	NP	NP	C	NP	C	C	NP
Funeral home	P	C	P	C	C	NP	NP
Golf course	C	P	P	P	NP	NP	C
Government service	PC	P	P	P	P	P	P
Hospital	GNP	P	P	P	P	NP	NP
Hotel or motel	NP	NP	P	C	NP	NP	NP
Library	GP	P	P	P	P	P	NP
Medical service/office	C	P	P	P	P	P	NP
Museum	P	P	P	P	PC	C	NP
Nursing home	C	P	P	P	C	NP	NP
<u>Office, limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
Office, general	NP	P	P	C	C	C	NP
Parking lot, commercial	NP	NP	P	P	C	C	C
Parks and recreation	P	P	P	P	P	C	P
Pawn shops	NP	NP	P	NP	C	C	NP
Post office	C	C	P	P	C	C	NP
Recreation/entertainment, indoor	C	C	P	P	P	C	NP
Recreation/entertainment, outdoor	C	C	P	C	C	C	C
Restaurant, fast food	NP	C	P	C	C	PC	NP
Restaurant, general	NP	P	P	C	C	PC	NP
<u>Retail/Service up to 5,500 SF</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>NP</u>
<u>Retail Service up to 10,000 SF</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Retail/Service <u>greater than 10,000 SF</u>	NP	C	P	C	C	C	NP
Safety services	P	P	P	P	P	P	NP
School, elementary / middle / high	C	P	P	P	NP	PNP	NP

Zoning Districts	NC	C1	C2	CT	LI	I	EU-L
Service station	NP	C	P	NP	GP	P	P
Signs	*	*	*	*	*	*	*
*The placements of all shall be in accordance with city code							
Storage, outdoor (yard)	NP	NP	C	C	P	P	P
Utility, major	NP	C	C	C	C	C	C
Utility, minor	P	P	P	P	P	P	P
Vehicle and equipment sales	NP	NP	P	C	P	P	NP
Vehicle repair, general	NP	NP	P	C	GP	P	NP
Vehicle repair, limited	NP	GNP	P	C	P	P	NP
Vocational school	NP	C	P	P	P	P	NP
Warehouse, residential (mini) self-storage	NP	NP	P	P	P	P	NP
INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE USES							
Asphalt or concrete plant	NP	NP	NP	NP	NP	C	NP
Auto wrecking or salvage yard	NP	NP	NP	NP	NP	C	NP
Basic industry	NP	NP	NP	NP	C	P	NP
Freight terminal	NP	NP	C	NP	C	P	NP
Manufacturing, general	NP	NP	NP	NP	C	P	NP
Manufacturing, limited	NP	NP	NP	P	P	P	NP
Mining or quarrying	NP	NP	NP	NP	NP	C	NP
Soil borrowing	NP	NP	NP	NP	C	C	P
Research services	NP	C	C	C	C	P	C
Warehousing primary	NP	NP	NP	C	P	P	NP
Warehousing ancillary	NP	NP	NPC	P	P	P	NP
Welding or machine shop	NP	NP	C	P	P	P	NP
AGRICULTURAL USES							
Agriculture, animal	NP	NP	C	NP	C	P	P
Agriculture, crop	NP	C	C	C	P	P	P
Agriculture, farmers' market	PC	GP	P	P	P	P	NP
Agriculture, product sales	C	NPC	C	C	P	P	NP
Animal, farm	NP	NP	NP	NP	NP	NP	P
Chicken, hobby	P	NP	NP	NP	NP	NP	NP
EXCLUSIVE USES							
Sanitary landfill	NP	NP	NP	NP	NP	NP	P

§ 153.084 NONRESIDENTIAL LOT, YARD AND HEIGHT REGULATIONS.

(A) No lot or yard shall be established or reduced in dimension or area in any nonresidential district that does not meet the minimum requirements in the table that follows; 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.

(B) *Minimum dimension requirements; non-residential districts.* [SEE APPENDIX B.](#)

(C) *Size reduced for public purpose.* 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.

(D) *Utility exemption.* 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.

(E) *Setback reduced for public purpose.* 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.

~~(F) *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, and in no case shall more than six lots on either side of the subject property be included in the calculation.~~

~~(G) *Setbacks increased by height.* When adjacent to single-family 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.~~

(H) In EU-L, setbacks do not apply when adjacent to property that is currently operating as a sanitary landfill, and the proposal is for an expansion of that landfill. The setbacks shall be met for any adjoining property that is not to be used for a sanitary landfill, or is owned by another entity or person.

(I) *Maximum height exclusions.* Chimneys, smokestacks, flares, ventilators, engine exhaust towers, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.

~~(J) *When a nonresidential zone abuts a residential zone, and the setbacks for the residential zoning are greater than those of the nonresidential zoning, setbacks for both shall be the greater setback for the abutting residential zone.*~~