

## TITLE 14

### ZONING

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- 14.01 Purpose, Authority and Jurisdiction
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#### CHAPTER 14.01

#### PURPOSE, AUTHORITY AND JURISDICTION

#### Sections:

- 14.01.01 Title
- 14.01.02 Purpose
- 14.01.03 Authority
- 14.01.04 Jurisdiction

#### 14.01.01. Title

This Code shall be known, cited, and referred to as the City of Batesville Zoning Code.<sup>1</sup>

#### 14.01.02. Purpose

This Code is adopted for the following purposes: To provide for the citizens of the City of Batesville adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to lessen or avoid congestion of traffic in the public streets and to promote the public health, safety, comfort, convenience, morals and general welfare;

To protect the character and the stability of the residential, business and manufacturing areas within the City of Batesville and to promote the orderly and beneficial development of such areas.

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<sup>1</sup> Code adopted by Ordinance Number 999 [“That said regulations and map, the Batesville Zoning Code in its entirety, are adopted as a code pursuant to public notice as set out in Arkansas Statute Annotated Section 19-2421.” [Section 2]

To establish restrictions in order to attain these objectives by adopting a Zoning Code which will revise the districts into which the City is divided, the restrictions upon the uses to which land and buildings may be devoted, the restrictions upon the location and height of buildings, the restrictions upon the intensity of the use of land and buildings, the requirements for yards, the requirements for off-street parking and loading facilities, the requirements for landscaping, the provisions for administration and enforcement of the Code, the penalties for violation of the Code, the procedure, powers and duties of the Board of Adjustment and such other provisions as shall be prescribed at future dates.

#### 14.01.03. Authority

The City Planning Commission of Batesville, created by Ordinance Number 659 enacted September 10, 1957 in conformity with Act 186 of 1957 as amended, of the Arkansas General Assembly, having made a comprehensive study of the present conditions and future growth of the City and its neighboring territory, finds these regulations would promote, in accordance with present and future needs, the public health, safety and general welfare, order, convenience, efficiency and economy in the process of development, convenience, population distribution, good civic design and arrangements, adequate provisions for public utilities and other public requirements.

#### 14.01.04. Jurisdiction

This Code applies to all land within the corporate limits of Batesville, Arkansas, as now or hereafter set, as shown on the official zoning map.

CHAPTER 14.02  
DEFINITIONS

Sections:

- 14.02.01 Clarity of Interpretation
- 14.02.02 Definitions

14.02.01. Clarity of Interpretation

In the construction of this Code, the definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The interpretation shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

Words used in the present tense shall include the past, and the plural, the singular.

The word “shall” is mandatory and not discretionary.

The word “may” is permissive.

The word “lot” shall include the words “lot” and “parcel”. The word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

14.02.02. Definitions

Accessory Structure. An “accessory structure” is one which:

- A. Is subordinate to and serves a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accessory Use. An “accessory use” is customarily incidental to the principal use, and includes, but is not limited to the following:

- A. A children’s playhouse, garden house and private greenhouse;
- B. A garage, carport, shed or building for domestic storage;
- C. Incinerators incidental to residential use;
- D. Storage of merchandise normally carried in stock on the same lot with any personal service or business use, unless such storage is excluded by the district regulations;

- E. Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations;
- F. Swimming pool, private, for use by the occupant and guests;
- G. Off-street motor car parking areas and loading and unloading facilities;
- H. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Code;
- I. Public utilities facilities – telephone, electric, gas, water and sewer lines, their supports and incidental equipment;
- J. Satellite television receiver discs, ground mounted or mobile, said structures are defined as devices commonly parabolic in shape, mounted at a fixed point on the ground or upon mobile vehicles, for the purpose of capturing television signals transmitted via satellite communication facilities and serving the same or similar function as the common television antenna.<sup>2</sup>

Alley. A public way, not in excess of 20 feet of right-of-way, used as a secondary means for vehicular access to the rear or side of properties otherwise abutting on a street and not intended for general traffic circulations.

Apartment. A room or suite of rooms in a multiple-family dwelling, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete private kitchen and private bath facilities, permanently installed, must always be included for each apartment.

Assisted Living Facility. Residences primarily, but not exclusively, for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.<sup>3</sup>

Automobile Repair, Major. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles.

Automobile Service Station. An establishment, the business of which is the operation of a motor fuel dispensing station, where repair work is limited to lubricating and washing of motor vehicles, changing and minor repairs of tires, and where no body work or major chassis or motor repairs are made, except incidental repairs, replacement of minor parts and motor service to automobiles, but not including and operation specified under “Automobile Repair, Major.”

Basement. A portion of a building or structure partly underground designed for human occupancy.

Bed and Breakfast. Overnight accommodations and a morning meal in an owner-occupied dwelling unit provided to transients for compensation. This differs from rooming or boarding houses in that guests rarely stay more than several days.<sup>4</sup>

Block. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

Boarding House. A building other than a hotel or restaurant where meals, a sleeping room and one off-street parking space per guest have been provided for compensation to not more than three (3) guests who are not members of the keeper’s family.

Buildable Area. A space remaining on a lot after the minimum open space, yards and setback requirements of this Code have been complied with.

Building. Any structure having a roof supported by columns or walls for the sheltering or enclosure of persons, animals, chattels or property of any kind. Any structure with interior areas not normally accessible for human

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<sup>2</sup> Ordinance 84-1-4

<sup>3</sup> Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>4</sup> Ibid

use, such as gasholders, oil tanks, water tanks, grain elevators, coalbunkers, oil cracking towers and other similar structures are not considered as buildings.

Building, Detached. A freestanding building surrounded by open space on the same zoning lot.

Building Setback Line. A line parallel to the street line at a distance from it, regulated by the setback requirements set up in this Code.

Building Height.. The vertical distance measured from the “grade” to the roof of the structure exclusive of architectural appurtenances.

Child Care Facility. A facility providing care and supervision on a daily basis for children not related by blood, adoption, or marriage to the person maintaining the facility, usually from newborn to age thirteen. Such facilities may also be known as daycare and are open for set hours, and may or may not be subject to the licensing requirements of the Arkansas Department of Human Services.<sup>5</sup>

Children's Advocacy Center. A child focused, community-based facility that coordinates the investigation, prosecution and treatment of child abuse while reducing the trauma to child victims of physical abuse, sexual abuse, or neglect. Consistent with the requirements of Arkansas law, at ACA 20-78-105, as amended, such facilities emphasize the coordination of investigation and intervention services by collaboration among medical, mental health, prosecutorial, child protective and law enforcement professionals and agencies to create a child-focused approach to child abuse cases in a way that creates a sense of safety and security for the children. The facility may only operate as a non-residential use, but preferably in a residential or semi-residential environment. Only a tax-exempt 501(c)(3) non-profit organization that complies with the requirements of Arkansas law, as cited above, and is accredited, or actively seeking accreditation, through the National Children's Alliance, and is a member of the Children's Advocacy Centers of Arkansas will be considered to meet the requirements of this definition.<sup>6</sup>

Church. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. Associated uses may include classrooms, meeting rooms, day-care, counseling, homeless shelters and kitchens capable of serving large groups. Where churches are permitted, multiple uses of such facilities are allowed, so long as they are clearly incidental and supplementary to the religious purposes of the facility.<sup>7</sup>

Clinic, Medical or Dental. Building or complex in which an organization of physicians or dentists, or both, work cooperatively and have their offices in a common building. A clinic shall not include in-patient care.

Commercial or Business Use. A commercial or business use shall include any of the uses as permitted by the commercial districts; however, any building primarily used for any of the enumerated uses may not have more than fifty (50) percent of the ground floor area devoted to storage or purposes incidental to such primary use.

Comprehensive Plan. A long-range plan intended to guide the growth and development of the City of Batesville, including the alignment and classification of major transportation links, land uses, location of public facilities, and development goals. Adopted and updated periodically by the Planning Commission and City Council.<sup>8</sup>

Conditional Use. A use permitted in a zoning district only after review and approval by the Planning Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner. A conditional use is not to be construed as a “temporary” use.<sup>9</sup>

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<sup>5</sup> Revised by Ordinance 2014- 04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>6</sup> Definition added by Ordinance 2018-06-01, adopted June 28, 2018

<sup>7</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>8</sup> Ibid

<sup>9</sup> Definition added by Ordinance Number 2009-08-02, adopted August 11, 2009

Condominium. A building, or group of buildings, in which units is owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads or pizzas, primarily for off-site consumption.<sup>10</sup>

“Drive-in” Type Uses. Sales or service uses which offer goods or services to customers waiting in parked vehicles, such as, but not limited to drive-in restaurants, drive-in banks and automated care washes. Such uses create numerous vehicular conflict points thereby increasing potential traffic hazards. This Code specifically defined such uses with the intent of limiting their location to areas with adequate road accessibility and with a minimum of traffic conflict.

Dwelling. A building or portions thereof designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family units, which structures are approved under the adopted building codes of the City of Batesville (but not including hotels, motels and boarding houses).

Dwelling, Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family. A building or portions thereof designed or altered to provide dwelling units for occupancy by three (3) or more families living independently of each other, each with its own kitchen and bath facilities.

Dwelling, One-Family. A dwelling unit designed exclusively for use and occupancy by one family.

Dwelling, Two-Family. A building designed or altered to provide dwelling units for occupancy by two families having independently of each other, each with its own kitchen and bath facilities.

Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for one family only. Complete single kitchen facilities, bathroom facilities and sleeping facilities shall always be included for each dwelling unit.

Easement. A grant by the property owner of the use by the public, a corporation or person(s) of a portion of land for specific purposes.

Educational Institution. Public, parochial, elementary, secondary schools or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Family. Any number of individuals living and cooking together on the premises as a single housekeeping unit. A family shall be deemed to include the necessary servants.

Fence, Solid. A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

Garage, Private. An accessory building used for the storage only of motor vehicles, without the equipment for operation, repair, hire or sale.

Garage, Public. A garage for the convenience of the general public in which no servicing, repairs, washing or reconditioning of motor vehicles is carried on.

Halfway House. A facility or structure designed and operated to house persons who have been recently released from a correctional or rehabilitation facility, but are required to receive supervision and counseling prior to being

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<sup>10</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

released fully into society. Such facilities may be operated by for-profit, non-profit entities or by a public agency and may house either persons with or without any criminal record.<sup>11</sup>

Historic Structure. A house that was constructed prior to 1940 and is substantially in its original form at the time of the filing of the petition described in 14.06.02.B.

Homeless Shelter. A facility providing temporary housing for homeless persons. Such facilities are distinguishable from various types of emergency shelters set up in response to emergency situations such as tornadoes, flooding, excessive heat or cold, etc. A facility designed to provide shelter to homeless persons may provide referrals to various services or support agencies, or may provide such services directly to the homeless population. A shelter may provide meals to occupants.<sup>12</sup>

Hospitals or Sanitarium. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of not less than twenty-four (24) hours in any week of three (3) or more non-related individuals suffering from illness, disease, injury or other abnormal physical conditions. The term “hospital” as used in this Code, does not apply to institutions operating solely for the treatment of the mentally ill, drug addicts, liquor addicts or other types of cases necessitating restraint of patients and the term “hospital” shall not be used for convalescent, nursing, shelters or boarding homes.

Hotel, Motel, Inn or Auto Court. An establishment containing lodging accommodations designed for use by transients or travelers or temporary guest. Facilities provided may include maid service, laundering or linen used on the premises, telephone and secretarial or desk service.

Junk Yard. Any open space or area where motor vehicle (not in running condition), motor vehicle parts, paper, rags or similarly used but salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled or otherwise handled.

Kennel, Commercial. Any lot or premises or portion thereof, on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or on compensation or kept for sale.

Loading and Unloading Space or Berth, Off-Street. An obstructed, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lodging House. A building or premises other than a hotel, motel, inn or auto court, where boarding is provided for compensation for three (3) or more persons but not exceeding twenty (20) persons.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as a “lodging room”.

Manager/Caretaker Residence. The facility, where permitted in any commercial, industrial or planned development zoning district, serving as permanent family living quarters in a motel/hotel, business or special area for the purposes of managing the grounds and buildings and/or for security purposes. Such facility must clearly be accessory to the primary commercial or industrial use and occupied solely by an owner or employee of the business or industry to which it is accessory. It may be either attached or detached, but in no case may it exceed fifty percent (50%) of floor area of the primary use of the property, or twelve-hundred (1,200) square feet, whichever is less.<sup>13</sup>

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<sup>11</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>12</sup> Ibid

<sup>13</sup> Definition added by Ordinance 2019-11-01 adopted with emergency clause 11/12/2019

Manufactured Home. A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the Act 624, of 2003 by the State of Arkansas. <sup>14</sup>

Marquee or Canopy. A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

Mobile food court. A parcel of land where two or more mobile food vehicles congregate to offer food or beverages for sale to the public as the principal use and permanent use of the land. This definition shall not be interpreted to include a congregation of mobile food vehicles as a secondary, accessory, and/or temporary use on existing commercially developed or zoned properties. <sup>15</sup>

Mobile Food Vehicle. A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, that is easily movable without disassembling for transport to another location. Often called a food truck. Each vehicle is considered a discreet unit for the purposes of this Code. <sup>16</sup>

Mobile Home. Must have been manufactured before 1976 or before the HUD Code pertaining to manufactured homes. A mobile home is expressly prohibited by this code. <sup>17</sup>

Mobile Home Park. A parcel of land upon which two (2) or more mobile homes are harbored either free of charge or for revenue and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the site. (See Section 14.06.04).

Modular Home. Standardized units other than mobile homes as defined above which shall meet the Arkansas State Fire Code are acceptable in the R-1 and R-2 districts. <sup>18</sup>

Nonconforming Lot. A lot of record existing at the date of the passage of this Code which does not have the minimum width or contain the minimum area for the zoning district in which it is located.

Nonconforming Structure. A lawful structure which exists upon the adoption or amendment of this Code that could not be built under the terms of the Code by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot.

Nonconforming Use. The use of any structure or land lawfully occupied and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption of this Code or amendments thereto.

Nursing Home, Rest Home, Convalescent Home. A private home for the care of children or aged or the infirm, or a place of rest for those suffering bodily disorders, but not including hospitals and sanitariums.

Open Sales Area. Any open land or area used or occupied for the purpose of storing and selling new or second hand passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments and similar apparatus. No repair work is done in such an area except for minor incidental repair of items to be displayed and sold on the premises.

Patio Home. A one-family detached dwelling on a separate lot with open space setbacks on three sides. <sup>19</sup>

Principal Use. The main use of land or buildings as distinguished from a subordinate or accessory use.

Professional Offices. A professional office to be located in a residential district as herein permitted shall include doctor, dentist, lawyer, engineer, real estate and other professional offices.

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<sup>14</sup> Ordinance 2003-11-3

<sup>15</sup> Added by Ordinance 2017-12-03, Section 1, adopted December 18, 2017

<sup>16</sup> Added by Ordinance 2017-12-02, adopted December 18, 2017

<sup>17</sup> Ibid

<sup>18</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>19</sup> Ordinance 2009-1-2



Public and Community Service Uses. For the purpose of this Code the term “Public and Community Service Uses” shall include the following: Police stations or sub-stations, fire stations or sub-stations, public utility stations or sub-stations, postal stations or sub-stations, sewage pumping stations, public library branch facilities and other similar uses.

Public Open Space. Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public Utility. Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, communications, transportation or water.

Rehabilitative Home. Dwellings established for rehabilitative and/or educational purposes for temporary inhabitants.

Retirement Home. See Assisted Living Facility. <sup>20</sup>

Sexually Oriented Business. Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. <sup>21</sup>

Sign. A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Sign, Advertising. A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, Business. A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises on which such a sign is located or which it is affixed.

Sign, Flashing. An illuminated sign on which the artificial light is not kept stationary or constant in intensity at all times in which sign is in use. Illuminated signs which indicate the time, temperature, date or similar public service information shall not be considered “flashing signs”.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. <sup>22</sup>

Street. A right-of-way other than an alley which affords a primary means of access to an abutting property.

Structural Alterations. Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.

Structure. Any constructed or erected which requires permanent location on the ground.

Temporary Structure. A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which it was erected or placed has ceased. <sup>23</sup>

Temporary Use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Such use does not involve the construction or alteration of any permanent building or structure. <sup>24</sup>

Travel Trailer or Motor Home. A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath and shower facilities designed to be used for temporary human habitation for travel,

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<sup>20</sup> Definition revised by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>21</sup> Ordinance 2006-7-1

<sup>22</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>23</sup> Ordinance 2010-2-1

<sup>24</sup> Ordinance 2010-2-1

recreational and vacation uses. A “travel trailer” used as a permanent dwelling unit is expressly prohibited by this Code.

Variance. A departure from the literal provisions of this code relating to setbacks, yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.<sup>25</sup>

Warehousing. The process of storing in structures merchandise, household goods and/or agricultural products.

Wholesaling. Those operations that are engaged in the business of selling to retailers or jobbers rather than customers.

Yard or Setback. An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and which extend along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard or Setback, Front. Any yard adjoining a street shall be considered a front yard and shall meet all of the requirements for front yards in the respective districts throughout this Code, except as provided for in Section 14.11.06.

Yard or Setback, Rear. The area extending along the full length of the rear lot line between the side lot lines. In all instances, including corner and irregular lots, the rear of the lot shall be that area opposite the front.

Yard or Setback, Side. The area extending along a side lot line from the front yard to the rear yard.

Zero Lot Line Home. A patio home attached to a similar home on an adjacent lot.<sup>26</sup>

Zoning Lot. As used in the City of Batesville Zoning Code, the term “zoning lot” shall mean the same as a “lot of record,” the definition of which is as follows: A parcel of land shown as a separate lot on a subdivision, the map or plat of which has been recorded in the office of the Recorder of Deeds of Independence County, Arkansas, or a parcel of land, the deed to which has been recorded in the office of the Recorder of Deeds of Independence County, Arkansas.

Zoning map. The map incorporated into this Code as part hereof, designating zoning districts.

Words herein not defined shall be interpreted in accordance with definitions contained in Webster’s Dictionary.

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<sup>25</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>26</sup> Ordinance 2009-1-2

CHAPTER 14.03  
ENFORCEMENT AND ADMINISTRATION

Sections:

- 14.03.01 Enforcement Officer
- 14.03.02 Building Permit
- 14.03.03 Certificate of Occupancy and Compliance
- 14.03.04 Violations
- 14.03.05 Amendments
- 14.03.06 Conditional Uses
- 14.03.07 Determination as to Uses Not Listed

14.03.01. Enforcement Officer

The provisions of these regulations shall be administered by an enforcement officer designated by the City Council.

14.03.02. Building Permit

A building permit shall be issued only when the application has been approved by the enforcement officer as meeting requirements of these regulations. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be build upon, the size of the building to be erected and its location on the lot, easements, if any, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the enforcement officer and submitted to the Planning Commission at each regular meeting for review.

Anyone applying for a building permit shall submit proof that any structure is not to be built across a utility line and additional there is not an encroachment across a utility easement.

14.03.03. Certificate of Occupancy and Compliance

- A. No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the enforcement officer, stating that the building or proposed use of a building or premises complies with the provisions of these regulations.
- B. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit. The certificate of occupancy and compliance shall be issued by the City Clerk of the City of Batesville within ten days after certification by the enforcement officer. A record of all certificates shall be kept in a file in the office of the enforcement officer and copies shall be furnished on request to any persons having a proprietary or tenancy interest in building or use affected.
- C. A certificate of occupancy and compliance shall be revoked by the enforcement officer when it is found that the building or land does not conform to the use or conditions, if any, in the certificate. Each day a use continues after revocation of the certificate shall be considered a violation of these regulations and shall be punished as provided in Section 14.03.04.

#### 14.03.04. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a constitute offense. The owner or owners of any building or premises or part hereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

#### 14.03.05. Amendments

##### A. General

This Code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein.<sup>27</sup>

##### B. Amendments to the text

1. Amendments initiated by the City Council may be made in the following manner.
  - a. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in paragraph 2. of this subsection.
  - b. The City Council may act directly to amend or suspend specific requirements of this Code, when an extreme emergency exists which threatens the health, safety, or welfare of the citizens of the City. An amendment may be made by ordinance upon the approval of two-thirds of the entire City Council. Such action shall be temporary and of such duration as is necessary to ameliorate the circumstances or conditions arising from the emergency. The City Council may take this action through normal ordinance procedures with no further public hearing or notification.
2. Amendments initiated by the Planning Commission
  - a. A member or members of the Commission may initiate amendments to the code and the Commission shall vote whether to proceed on consideration of any proposed amendment(s) including those initiated by the City Council or its members.
  - b. The Commission shall undertake such studies as it deems necessary to support any proposed revisions. It shall specifically determine what, if any, impact such an amendment would have on the currently adopted Comprehensive Plan. When the Commission determines that there is a probable impact on the Plan, and further determines the amendment is in the best interests of the City of Batesville, it shall amend the Plan in accordance with the procedures set out at subsection D.1. below.
  - c. The Commission shall hold a public hearing to consider such amendment(s), in accordance with the requirements of subsection D.2.a. below.
3. Amendments initiated by the public

Any member of the general public may request the Planning Commission to amend the text of this Code. The Commission shall vote on whether to proceed on consideration of any proposed amendment(s).

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<sup>27</sup> All of Section 14.03.05. was amended by Ordinance 2010-03-04, adopted 3/9/2010

C. Amendments to the Official Zoning Districts Map

1. Amendments initiated by the Planning Commission

- a. The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, initiate amendments to the Official Zoning Map.
- b. The Planning Commission shall prepare a work program and make studies, including, as appropriate, the preparation of maps, to support its decisions regarding possible amendments.
- c. Amendments initiated by the Commission shall only be those necessary to carry out the intent of the currently adopted Comprehensive Plan. Under no circumstance shall the Commission initiate an amendment solely to benefit an individual property owner. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission shall first consider and adopt any necessary changes to the Plan.
- d. The Planning Commission shall schedule and hold a public hearing to present the proposed amendments to the public and to hear public comment on the proposed action.
- e. Changes in zoning classifications involving a single small area [less than five acres] shall require the posting of a sign or signs, in accordance with the provisions of D.2.b. below. Changes in zoning classifications involving larger areas shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall not be required. A map and/or documents indicating the proposed changes shall be made available in City Hall for interested citizens and property owners.
- f. Additional outreach or public notice may be pursued in order to further transparency and public awareness.
- g. The Commission shall vote on the proposed amendment and, if adopted, certify recommended ordinances and regulations to the City Council for its adoption.

2. Amendments initiated by a property owner or property owners

- a. Amendments to the Official Zoning Map requested by property owners shall be submitted to the Enforcement Officer via an application in such form, and providing such information, as the Commission may require. The application shall be reviewed for completeness and accuracy; the process shall not proceed until all required information is submitted.
- b. The Enforcement Officer shall post a sign or signs in conformance with the provisions of D.2.b. below.
- c. The Enforcement Officer shall fix a date for a public hearing. Notice of such hearing shall be in accordance with the provisions of D.2.a. below.
- d. Prior to the opening of a hearing, the Planning Commission shall be provided with evidence that all procedural requirements, including notification of affected property owners, have been satisfied.
- e. Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code and with Plans adopted by the Planning Commission, and that the purpose of the amendment is not based exclusively upon a desire to increase the value or income potential of the property. The Planning Commission shall make written recommendations to the City Council setting forth the basis for its recommendations. A copy of these recommendations shall be submitted to the applicant at the same time.
- f. If the Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the

decision. The applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why (s)he considers the Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice to the applicant. If the applicant provides information not available to or considered by the Commission, the request will automatically be returned to the Commission for reconsideration. The City Council will not consider any appeal as a de novo request.

h. Effect of Denial of Amendment

An application for a change in zoning classification that has been denied by either the Commission or City Council will not be reconsidered by the Commission for a period of six (6) months of elapsed time from the date of final disapproval, unless the Commission determines through three-fourths (3/4) majority vote of the entire Commission that a substantial reason exists for waiving this mandatory waiting period.

D. Procedural Requirements

1. Update of the Comprehensive Plan

If a proposed amendment requires an update or revision to the Comprehensive Plan, the Commission shall conduct a public hearing on such update or revision, and subsequent to such hearing shall vote on whether to update or revise the Comprehensive Plan prior, which shall precede any hearing or action on such amendment to the Code or Map.

2. Public notice requirements

a. Notice of any hearing required by a provision of this section shall be published at least one time not less than fifteen (15) days prior to the date of the hearing in a newspaper of general circulation in the City of Batesville. The notice shall be of sufficient detail to make the purpose and location, if appropriate, of the proposed amendment clear to the public.

b. When notification of nearby property owners is required, the Enforcement Officer shall post a sign or signs on the property(ies) for which a change in classification is requested. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time and location of the public hearing at which the request will be heard. The sign will be posted at least fifteen (15) days in advance of the public hearing, in such a manner as to be clearly and readily visible to adjoining properties.

3. The City Council, by majority vote, may:

- a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
- b. return the proposed change to the Commission for further study and recommendation; or,
- c. deny the recommended change.

14.03.06. Conditional Uses

- 1. The Planning Commission shall hear and decide only such conditional uses as it is specifically authorized to pass on by the terms of these regulations and to decide such questions as are involved in determining whether a conditional use should be granted, and to grant a conditional use with such conditions and safeguards as are appropriate under these regulations, or to deny a conditional use when not in harmony with the purpose and intent of these regulations. A conditional use shall not be granted by the Planning Commission unless and until:

- a. A written application is submitted to the Enforcement Officer, on such form or forms and containing such information as the Planning Commission deems necessary to properly consider the request. At a minimum, such application shall include a statement indicating the section of these regulations under which the conditional use is sought and stating the grounds on which it is requested.
  - b. The Enforcement Officer shall schedule a public hearing on said application and cause notice of the hearing to be given in a paper of general circulation in Batesville at least fifteen (15) days in advance of said hearing. The expense of such publication shall be borne by the applicant. Notice of such hearings shall be posted on the property for which conditional use is sought, at least fifteen (15) days prior to the public hearing;
  - c. The public hearing conducted by the Planning Commission shall be held. Any party may appear in person, or by agent or attorney;
  - d. The Planning Commission shall make a finding that it is empowered under the section of these regulations described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
  - e. Before any conditional use shall be approved, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
    - (1) The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.
    - (2) The size of the site is adequate for the proposed use.
    - (3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
    - (4) The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
    - (5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
    - (6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
    - (7) The proposed use complies with the performance standards, parking requirements and other applicable provisions of this chapter.
2. The decision of the Planning Commission, with respect to any application for a conditional use, shall be final, unless an appeal is made to the City Council within ten (10) business days after the Planning Commission's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk.

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#### 14.03.07. Determination as to Uses Not Listed

In order to insure that the Zoning Code will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon any written application shall determine whether a use not specifically listed as a permitted use or a conditional use in Commercial, Residential or Industrial Districts shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed.

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<sup>28</sup> Section 14.03.06 amended in its entirety by Ordinance Number 2009-08-02, adopted August 11, 2009

- A. A request for determination that a specific use should be included as a permitted use or a conditional use in Commercial, Residential or Industrial Districts shall be made in writing to the Planning commission and shall include a detailed description of the proposed use and such information as may be appropriate to assist the Commission arrive at a determination. Within thirty (30) days of filing, the application shall be scheduled for consideration by the Commission at a public meeting.
- B. The Planning Commission shall make an investigation as deemed necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Code and to make a determination of its classification.
- C. The determination of the Planning Commission shall be rendered in writing within thirty (30) days of the date upon which the application was considered by the board and such determination shall include findings supporting the Commission's conclusion.
- D. No Zoning clearance of permits shall be issued for the type of use involved in the application until such time as the Commission makes its determination and the determination becomes final.
- E. After the Planning Commission has made a determination, any aggrieved person may appeal such determination to the City Council.<sup>29</sup>

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<sup>29</sup> "Chancery Court" deleted, "City Council" inserted by Ordinance Number 2009-08-02, adopted August 11, 2009



CHAPTER 14.04  
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Sections:

- 14.04.01. Zoning Districts Established
- 14.04.02. Zoning Map
- 14.04.03 Interpretation of District Boundaries
- 14.04.04 Zoning of Annexed Land

14.04.01. Zoning Districts Established

For the purpose and provisions of this Code, the City of Batesville, Arkansas is hereby organized into the following districts:

- R-1 Single-Family Residential District
- HR Historic Residential District
- R-2 General-Family Residential District
  
- T-1 Traditional Business District
- C-1 Commercial Community District
  
- I-1 Light Industrial District
- I-2 General Industrial District

14.04.02. Zoning Map

The City is hereby divided into zoning districts as shown on the Official Zoning Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 1. of Ordinance Number 999 of the City of Batesville, Arkansas, together with the date of adoption of the Code Ordinance.

14.04.03. Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots or such lines extended otherwise indicated.
  
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to the paralleling a street or highway, the depth of such strips shall be in accordance with the center line of the street or highway and the length of frontage shall be in accordance with dimensions shown on the map from

section, quarter section or division lines or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.

- C. Where a lot held in one ownership and of record on the effective date of this Code is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district.

#### 14.04.04. Zoning of Annexed Land

Territory annexed to the City of Batesville shall be assigned a zoning district classification in either one of two ways: as part of the annexation process or, subsequent to the annexation. The procedure for either method is as follows.

1. Designation subsequent to annexation

In the event that no specific zoning classification has been requested at the time of annexation, the annexed lands shall automatically be classified as R-1 Single-Family Residential and subject to the requirements of that classification upon the effective date of said annexation. Such classification shall be valid for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year period, the Planning Commission shall study and make recommendations concerning the use of land within said annexed area, in accordance with any applicable plans adopted by the City of Batesville.

2. Designation coincident with annexation

If a specific zoning classification other than R-1 Single-Family Residential is desired at the time of annexation, the following procedures shall be followed:

- a. If a property owner petitions to have property annexed to the city, a request shall be submitted to the Planning Commission no later than the date the petition is submitted to the County Court. The Commission shall make a recommendation to the City Council as to the appropriate zoning classification for the property or properties, prior to the ordinance accepting the annexation.
  - b. If the property is an island annexed into the city by ordinance, the City Council shall direct the Planning Commission to make a recommendation as to the appropriate zoning classification, prior to the ordinance of annexation.
  - c. If the proposed annexation is to be decided by election, the City Council shall direct the Planning Commission to make a recommendation as to the appropriate zoning classification to be assigned to the property or properties to be annexed, prior to adopting the ordinance of election.
3. Preparatory to making a requested recommendation, the Planning Commission shall make such studies as it deems advisable and appropriate. It shall take into account any plans of the City currently in effect, and adopt revisions to the Comprehensive Plan, where appropriate and necessary.
4. The procedures governing amendments to the Zoning Districts Map at Section 14.03.05.C. shall be followed.<sup>30</sup>

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<sup>30</sup> All of Section 14.03.05. was amended by Ordinance 2010-03-04, adopted 3/9/2010

CHAPTER 14.05  
GENERAL DISTRICT PROVISIONS

Sections

- 14.05.01 Completion of Existing Buildings
- 14.05.02 Area Not to be Diminished
- 14.05.03 Principle Structure on Lot
- 14.05.04 Vision Clearance Requirements
- 14.05.05 Home Occupation
- 14.05.06 Temporary Uses
- 14.05.07 Manufactured Housing Siting Requirements
- 14.05.08 Exceptions to Height Requirements
- 14.05.09 Broadcast Media and Wireless Communications Towers

14.05.01. Completion of Existing Buildings

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the adopting of these regulations.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is begun within ninety (90) days of such effective date of these regulations and diligently pursued to completion.

14.05.02. Areas Not to be Diminished

No part of a yard, or other open space or off-street parking or loading space required in connection with any building or use shall, by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

14.05.03. Principal Structure on Lot

In residential districts only one principal structure and its customary accessory structures may hereafter be erected on any lot unless otherwise provided in this Code.

The equipment of an accessory structure with sink, cook stove or other kitchen facilities for the independent occupancy thereof other than by servants or guests shall be considered evidence that such structure is not an accessory structure but a separate dwelling and must meet all minimum lot area and yard requirements of the district in which it is located.

14.05.04. Vision Clearance Requirements

No lot facing an intersecting street (corner lot) shall be occupied by fences, walls or continuous linear shrubbery such as hedges, which will obstruct vision for drivers of automobiles and similar modes of transportation. Such

signs, plantings or structures shall not be permitted higher than three (3) feet above the curb level within fifteen (15) feet of any intersecting street corner.<sup>31</sup>

#### 14.05.05. 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:

- A. The business, occupation or profession shall be conducted by a person or persons residing in the structure.
- B. Does not require the employment of persons on the premises in addition to the residing family
- C. Does not have a sign in excess of four (4) square feet in area to identify the business. Such sign shall be unlighted and must be attached flush to the side of the structure. There shall be no advertising signs or devices visible from the outside through a door, window, or other opening of the residential structure or otherwise displayed on the property.<sup>32</sup>
- D. Does not involve the use of commercial vehicles.
- E. Does not occupy more than 200 square feet of floor space.
- F. 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.
- G. Does not involve the display of goods or services outside the home nor produces noise or odor and is compatible with the neighborhood.

#### 14.05.06. Temporary Uses

- A. Temporary uses not meeting the other requirements of this code may be permitted only upon issuance of a Temporary Use Permit by the Enforcement Officer, provided that such use conforms to the following provisions.<sup>33</sup>
- B. Types of Temporary Uses. The following types may be allowed if they meet the applicable requirements.
  - 1. Seasonal uses such as Christmas tree sales lots or other holiday related uses deemed by the Enforcement Officer to be substantially similar.
  - 2. Special events such as the following or uses deemed by the Enforcement Officer to be substantially similar.
    - a. Carnivals, concerts, and circuses
    - b. Music festivals
    - c. Political rallies
    - d. Tents for religious services
  - 3. Temporary Retail Uses
    - a. Flower, fruit, and vegetable stands
    - b. Parking lot sales

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<sup>31</sup> See also Section 8.32.01. Obstruction of vision prohibited

<sup>32</sup> Ordinance Number 2009-08-02, adopted August 11, 2009

<sup>33</sup> Ordinance Number 2010-02-01, adopted February 9, 2010

- c. Vendors and retail sales carried out in structures that do not meet the city's building code
- d. Food sales and preparation

4. Temporary Structures

- a. Construction shack
- b. Portable living quarters on a construction site
- c. Portable office or retail building during construction

5. Temporary Structures, Miscellaneous

- a. Temporary real estate office within a subdivision
- b. Temporary Signs
- c. Promotional displays

C. The following uses are not covered by this section.

- 1. Rummage or Garage Sales
- 2. Temporary buildings needed during natural disasters
- 3. Farmer's market, fairs, or other events sponsored by the city or county.

D. Site Characteristics

As a condition of issuing a temporary use permit, the Enforcement Officer shall ensure that:

- 1. The use is compatible and consistent with the uses permitted by the zoning district at the location of the use;
- 2. Handling, preparation and sales of food products conform to the requirements of the Health Department and have obtained necessary permits;
- 3. Adequate measures will be taken to prevent odor, dust, noise, lights and traffic from becoming a nuisance to uses on adjacent properties;
- 4. All necessary utilities such as, but not limited to, water, wastewater, and/or electricity are available and properly installed;
- 5. Adequate off-street parking is available for the enterprise;
- 6. Sufficient space is available for the accommodation of crowds;
- 7. The use will not interfere with the use of adjacent properties;
- 8. Not more than one temporary/mobile structure, plus one vehicle permitted per use;
- 9. Where renewal is permitted, it must run consecutively with the original time period;
- 10. At the expiration of the permit period, all equipment, structures, appurtenances, goods, and vehicles must be completely removed from the site.

E. Existing Approved Temporary Uses

Any temporary use that was approved and issued a conditional use permit prior to the enactment of this provision is excluded from enforcement of this provision so long as it continues to comply with the conditions of such original approval.

F. Mobile Food Vehicles.<sup>34</sup>

1. Site specific vehicles are those for which a permit is issued to operate at a fixed location for not more than 180 continuous days per calendar year. This permit may not be renewed until the following calendar year. Vehicles with a site-specific permit are not required to obtain a roaming permit in order to:
  - a. participate in any event sponsored or sanctioned by the City or sponsored by a religious or educational non-profit organization, or;
  - b. serve solely to employees when invited to operate on company premises.
2. Roaming permit vehicles are those for which a permit is issued to operate in any commercial or industrial zone when serving to the general public. The following conditions apply to these units:
  - a. Permitted units are required to report their intended operating location on a daily basis;
  - b. Permits are valid for one calendar year and are renewable;
  - c. Units may not stay in the same location overnight unless authorized in a special multi-day event, or located in an authorized food court;
  - d. Units must have owner's permission when parked off-street; and,
  - e. Units may not park on any street unless such parking is set aside for such purposes at a city sponsored or sanctioned event at which they are invited.
3. Permitted vehicles may operate only in zoning districts T-1, C-1, I-1 or I-2, unless an authorized special event is located in any other zoning district.
4. All mobile food vehicles must indicate as part of the permitting process how and where they will dispose of any waste.

| TEMPORARY USE CHART                             |                      |        |             |          |                        |
|---|----------------------|--------|-------------|----------|------------------------|
| Temporary Use                                   | Type                 | Permit | Fees        | Limit    | Renewable?             |
| Christmas tree sales lots                       | Seasonal             | Yes    | No          | 30 Days  | Once per Calendar Year |
| Seasonal Fruit and Vegetable Stands             | Seasonal             | Yes    | Yes<br>\$50 | 90 Days  | Once per Calendar Year |
| Carnivals, concerts, and circuses               | Special Events       | Yes    | No          | 3 Weeks  | Once per Calendar Year |
| Music festivals                                 | Special Events       | Yes    | No          | 3 Weeks  | No Limit               |
| Political rallies                               | Special Events       | Yes    | No          | 3 Weeks  | No Limit               |
| Tents for religious services                    | Special Events       | Yes    | No          | 3 Weeks  | No Limit               |
| Flower stands                                   | Temporary Retail     | Yes    | Yes<br>\$50 | 30 Days  | Once per Calendar Year |
| Parking lot sales                               | Temporary Retail     | Yes    | Yes<br>\$50 | 30 Days  | Once per Calendar Year |
| Vendors.  | Temporary Retail     | Yes    | Yes<br>\$50 | 30 Days  | Once per Calendar Year |
| Food preparation <sup>35</sup>                  |                      |        |             |          |                        |
| Site Specific Food Truck                        | Temporary Retail     | Yes    | \$150       | 180 Days | Annual                 |
| Roaming Food Truck                              | Temporary Retail     | Yes    | \$400       | One year | Annual                 |
| Construction shack                              | Temporary Structures | Yes    | No          | One Year | Yes                    |
| Portable living quarters on a construction site | Temporary Structures | Yes    | No          | One Year | Yes                    |

<sup>34</sup> Added by Ordinance 2017-12-02, Section 2, adopted December 18, 2017

<sup>35</sup> *ibid*, Section 3. Sub-categories added.

| TEMPORARY USE CHART                                    |                      |        |             |          |            |
|--|----------------------|--------|-------------|----------|------------|
| Temporary Use  | Type                 | Permit | Fees        | Limit    | Renewable? |
| Portable office or retail building during construction | Temporary Structures | Yes    | Yes<br>\$25 | One Year | Yes        |
| Temporary real estate office within a subdivision      | Temporary, Misc.     | Yes    | Yes<br>\$25 | 90 Days  | No         |
| Temporary Signs  | Temporary, Misc.     | Yes    | Yes<br>\$25 | 90 Days  | No         |
| Promotional displays                                   | Temporary, Misc.     | Yes    | Yes<br>\$25 | 90 Days  | No         |
| Temporary buildings needed during natural disasters    | Not Covered          | NA     | NA          | NA       | NA         |
| Rummage sales  | Not Covered          | NA     | NA          | NA       | NA         |
| Farmers' Market, City Sponsored                        | Not Covered          | NA     | NA          | NA       | NA         |

14.05.07. Manufactured Housing Siting Requirements <sup>36</sup>

The following siting standards shall apply to all instances of placement of manufactured homes permitted in a residential district:

- A. A pitched roof of at least three feet (3') rise in twelve foot (12') run;
- B. Removal of all transport elements;
- C. Anchored to the ground in compliance with the regulations of the Arkansas Manufactured Home Commission;
- D. Exterior wall finished so as to be compatible with the neighborhood;
- E. Orientation compatible with placement of adjacent structures;
- F. Underpinning with permanent materials; and,
- G. Compliance with other district standards.

14.05.08. Exceptions to Height Requirements <sup>37</sup>

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, necessary mechanical apparatus or other structures not intended for human occupancy or use may be erected to any height not in conflict with any other ordinance of the City.

Section 14.05.09. Broadcast Media and Wireless Communications Towers <sup>38</sup>

A. Definition.

In this section "tower" means any mast, brace, or other structure used for the support of radio, television, broadcast media or wireless communication antennas.

<sup>36</sup> Added by Ordinance 2010-7-1, Section 1, Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 26, 2010

<sup>37</sup> Added by Ordinance 2010-7-1, Section 2. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 26, 2010.

<sup>38</sup> Added by Ordinance 2010-10-03, Section 1, October 12, 2010.

## B. Site Location criteria

Transmission towers may be permitted only in those zoning districts where they are specifically identified as a permitted or conditional use, and must meet the following siting conditions:

1. The owner/user shall first consider sharing other existing or proposed towers in lieu of building a new tower. As part of the application for approval as a conditional use, the applicant shall specifically provide justification as to why sharing is not practical or possible.
2. No tower may be located such that it could strike another tower or supporting structure of another tower should it fall.
3. The tower shall be set back a distance equal to or greater than its height from any residential structure, public road or residential zoning district and not closer than twenty percent (20%) of its height or the distance between the tower base and guy wire anchors, whichever is greater, from any other structure (apart from its accessory buildings).
4. The tower shall be set in a manner that all ice-fall or debris from the tower structure (including tower failure) or guy wires will not fall outside the parcel (being the property purchased or leased for the tower site) containing the tower.
5. All guy wire anchors shall be located not less than twenty-five feet (25') from the parcel boundary.
6. The tower shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or Arkansas Department of Aeronautics (ADA). That lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or ADA requires another type of lighting.
7. All accessory structures will meet the normal setbacks for the district in which they are located.
8. Accessory facilities shall not include offices, long-term vehicle storage, other outside storage, broadcast studios (except for emergency purposes) or other uses that are not needed to send or receive transmissions, and in no case may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.
9. Existing on-site vegetation shall be preserved to the maximum extent practicable.
10. All towers and accessory structures shall be surrounded by a solid vegetative buffer strip to form a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view from the surrounding properties. The buffer shall consist of evergreens which will reach a minimum height of at least eight feet (8') within five (5) years. The vegetation shall not encroach over the adjacent property lines and shall provided a complete screen during all months of the year. The plant material and layout must be approved by the Commission, prior to issuance of a permit. Other types of vegetation, topography, walls, and fences may be substituted, as approved by the Commission.
11. The tower shall not be located so that would be a hazard to aircraft or a source of adverse electromagnetic interference for the surrounding property owners.
12. Whenever feasible, the tower should be designed with the capacity for shared use with other potential tower users.



#### 14.05.10. Mobile Food Courts<sup>39</sup>

##### A. Application Requirements

Property owner may apply to the Code Enforcement Office on such form or forms as may be required to confirm compliance with the standards herein. An application shall include a detailed site plan of the proposed food court, showing the location and dimensional relationships of property lines, all proposed mobile vendor locations, setbacks, vehicle parking, sidewalk location, and proposed dining or sitting areas.

##### B. Location Requirements

1. Mobile food courts may locate only in those zoning districts where permitted by right.
2. No mobile food court may locate within 50 feet of an existing restaurant.
3. Each mobile food court shall be located at least 150 feet from any one or two family use or one or any residential zoning district, measured from property line to property line.

##### C. Site Development Standards

1. All setback requirements in the underlying zoning district shall be adhered to. No mobile food unit, structures associated with the mobile food court, nor any associated seating areas shall be located in a required zoning setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane(s);
2. There shall be at least ten feet of clearance between all individual mobile food units and all permanent, accessory or non-accessory structures;
3. Each mobile food unit shall be located on an all-weather surface pad as approved by the City Engineer;
4. Vehicular drive-through service of food and/or beverages shall not be permitted;
5. All mobile food unit related activity, such as seating, must occur within 25 feet from the associated mobile food unit or within a communal arrangement serving all of the mobile food units;
6. All mobile food units and related activities must comply with the State Fire Code;
7. The placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street;
8. Adequate restroom facilities shall be provided either on-site or through a shared use agreement with a neighboring business. Portable toilets, if used, must be screened from view of the public;
9. Electrical service may be provided to the mobile food units by a permitted temporary electrical connection (or other permitted connection provided by an electric utility) or on-board generators. The use of on-board generators shall require sound absorbing devices used to contain or deflect noise from any external generator. Above ground utility connections shall not interfere with pedestrian or vehicular safety and shall not be located in customer service areas or customer parking areas. All utilities must meet applicable city codes, including water and sewer;
10. Garbage and trash receptacle/collection must be approved by the Batesville Sanitation Department.
11. All mobile units must have a current permit, roaming or site specific, issued by the City

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<sup>39</sup> Added by Ordinance 2017-12-03, Section 2, December 18, 2017

CHAPTER 14.06  
RESIDENTIAL DISTRICTS

Sections

- 14.06.01 Single Family Residential District [R-1]
- 14.06.02 Historic Residential District [HR]
- 14.06.03 General Family Residential District [R-2]
- 14.06.04 Mobile Home Parks

14.06.01. Single-Family Residential District [R-1] <sup>40</sup>

This District provides for single-family residential developments of relatively spacious character, together with churches, recreational facilities and other similar uses as may be necessary or is normally compatible with residential surroundings.

A. Permitted Uses

Unless otherwise provided in this Code, no building or land shall be used and no building shall be erected, converted, enlarged or structurally altered in the R-1 District except for one or more of the following uses:

1. Single-Family detached dwelling, including patio homes.
2. Accessory structures and uses incidental to the principal use, located no closer than two and one-half feet (2½') to any property line.
3. Home occupations, as defined in this Code.
4. Noncommercial parks, playgrounds and forest preserves.
5. Churches and/or religious educational buildings.
6. Public or private, non-profit schools.
7. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
8. Utility substations (if no staff is required and screening is provided).
9. Identification signs, not to exceed a total of six (6) square feet.
10. Single-family attached dwelling, including zero lot line homes.
11. Home-based child care facilities [up to 10 children]

B. Conditional Uses

The following may be allowed by Conditional Use Permit in accordance with the provisions of Section 14.03.06:

1. Hospitals and convalescent homes.
2. Broadcast media and wireless communications towers. <sup>41</sup>

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<sup>40</sup> Section 14.06.02 replaced in its entirety by Ordinance Number 2010-07-01, Section 3, adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 26, 2010

<sup>41</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

3. Bed and Breakfast.<sup>42</sup>

4. Children's Advocacy Center<sup>43</sup>

C. Prohibited Uses

1. Travel trailers or motor homes, buses, trucks one and one-half (1½) tons and over and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis.

2. Mobile homes as defined in this Code shall not be stored, parked or otherwise placed in an R-1 residential district.

3. Sexually oriented businesses.

4. Convenience Store<sup>44</sup>

5. Halfway House<sup>45</sup>

6. Homeless Shelter<sup>46</sup>

D. Yard Areas

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front yard. Twenty-five feet (25') from the front property line or fifty-five feet (55') from center line of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard.)

2. Side yard.

a. For a detached single-family home on an individual lot, a total of twenty percent (20%) of lot width at building set back line, but in no case shall a side yard be less than seven feet (7') on a side.

b. For any lot that is part of a patio home or zero lot line subdivision, one side yard shall be at least seven feet (7') wide.

3. Rear yard. Twenty-five feet (25') from rear property.

E. Height Limitation

No structure shall exceed thirty-six feet (36') or three (3) stories, whichever is less.

F. Lot Size

1. Except as provided below, every principal permitted use hereafter erected or located in the R-1 District shall have a lot area of not less than five thousand (5,000) square feet with a minimum width at the established building line of fifty feet (50').

2. The minimum lot size and frontage provisions described herein shall not apply as they relate to the construction or reconstruction of single family residences on lots that exist and are platted within the City as of August 7, 1995, provided that the lots were formerly used for single family residential

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<sup>42</sup> Added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>43</sup> Added by Ordinance 2018-06-01, adopted June 28, 2018

<sup>44</sup> Ibid

<sup>45</sup> Ibid

<sup>46</sup> Ibid

purposes, and further provided that only single family residential structures shall be constructed or reconstructed on such lots. All other provisions of this Code, including set back requirements, will remain in full force and effect.

#### 14.06.02. Historic Residential District [HR] <sup>47</sup>

This District is comprised of an area where there are a significant number of historic structures used as residences.

##### A. Permitted Uses

Unless otherwise provided in this Code, no building or land shall be used and no building shall be erected, converted, enlarged or structurally altered in the HR District except for one or more of the following uses:

1. Single-Family detached dwelling, including patio homes.
2. Accessory structures and uses incidental to the principal use, located no closer than two and one-half feet (2½') to any property line.
3. Home occupations, as defined in this Code.
4. Noncommercial parks, playgrounds and forest preserves.
5. Churches and/or religious educational buildings.
6. Public or private, non-profit schools.
7. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
8. Utility substations (if no staff is required and screening is provided).
9. Identification signs, not to exceed a total of six (6) square feet.
10. Single-family attached dwelling, including zero lot line homes.
11. Home-based child care facilities [up to 10 children]
12. Any uses in existence at the time of district creation
13. Child Advocacy Center <sup>48</sup>

##### B. Conditional Uses

The following may be allowed by Conditional Use Permit in accordance with the provisions of Section 14.03.06:

1. Hospitals and convalescent homes.
2. Broadcast media and wireless communications towers. <sup>49</sup>
3. Bed and Breakfast <sup>50</sup>

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<sup>47</sup> Added by Ordinance 2010-7-1, Section 4. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 26, 2010.

<sup>48</sup> Added by Ordinance 2018-06-01, adopted June 28, 2018

<sup>49</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>50</sup> Added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

C. Prohibited Uses <sup>51</sup>

1. Convenience Store
2. Halfway House
3. Homeless Shelter
4. Travel trailers or motor homes, buses, trucks one and one-half (1½) tons and over and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis.
5. Mobile homes or manufactured homes
6. Sexually oriented businesses.

D. Lot Size

1. Except as provided below, every principal permitted use hereafter erected or located in the HR District shall have a lot area of not less than five thousand (5,000) square feet with a minimum width at the established building line of fifty feet (50').
2. The minimum lot size and frontage provisions described herein shall not apply as they relate to the construction or reconstruction of single family residences on lots that exist and are platted within the City as of August 7, 1995, provided that the lots were formerly used for single family residential purposes, and further provided that only single family residential structures shall be constructed or reconstructed on such lots. All other provisions of this Code, including set back requirements, will remain in full force and effect.

E. Yard Areas

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front yard. Twenty-five feet (25') from the front property line or fifty-five feet (55') from center line of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard.)
2. Side yard.
  - a. For a detached single-family home on an individual lot, a total of twenty percent (20%) of lot width at building set back line, but in no case shall a side yard be less than seven feet (7') on a side.
  - b. For any lot that is part of a patio home or zero lot line subdivision, one side yard shall be at least seven feet (7') wide
3. Rear yard. Twenty-five feet (25') from rear property.

F. Height Limitation

No structure shall exceed thirty-six (36) feet or three (3) stories, whichever is less.

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<sup>51</sup> Subsection C. 1-3 added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

## G. Creation of District

New districts created after the effective date of this provision shall conform to the following requirements:

1. District Size - this District shall be no smaller than three (3) contiguous blocks, or six (6) contiguous half blocks.
2. Petition required – In order to form an HR District or include land in an already designated HR District, a petition must be filed and notice must be given in the same manner as set out in Section 14.03.05 for a rezoning of property. This petition must be signed by at least 60% of the landowners who hold title to at least 60% of the land within the proposed district.
3. Existing uses – existing uses in the HR District may be continued even in the event of the partial or complete destruction of an existing structure. Provided, however, if an historic structure within an HR District shall be used as a single-family residence, then that structure may not thereafter be used for any purposes other than single-family residential use.

### 14.06.03. General Family Residential District [R-2] <sup>52</sup>

This District provides a minimum lot area and yard requirements that are acceptable for a safe and healthy development.

#### A. Permitted Uses

Unless otherwise provided in this Code, no building or land shall be used and no building shall be erected, converted, enlarged or structurally altered in the R-2 District except for one or more of the following uses:

1. Single-family detached dwellings, including patio homes.
2. Two-Family Dwellings.
3. Multi-family Dwellings, including condominiums.
4. Boarding houses, including bed & breakfasts.
5. Retirement homes and assisted living facilities
6. Accessory structures and uses incidental to the principal use, located no closer than two and one-half feet (2½') to any property line.
7. Home occupations, as defined in this Code.
8. Noncommercial parks, playgrounds and forest preserves.
9. Churches and/or religious educational buildings.
10. Public or private, non-profit schools.
11. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
12. Utility substations (if no staff is required and screening is provided).
13. Identification signs, not to exceed a total of six (6) square feet.

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<sup>52</sup> Added by Ordinance 2010-7-1, Section 5. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 25, 2010.

14. Manufactured Homes, as defined in section 14.02.01, subject to the requirements of section 14.05.07.
15. Single family attached dwellings, including zero lot line homes.
16. Child care facilities.
17. Bed and Breakfast.<sup>53</sup>

B. Conditional Uses

The following may be allowed by Conditional Use Permit in accordance with the provisions of Section 14.03.06:

1. Private Clubs or Lodges.
2. Hospitals and Convalescent Homes.
3. Mobile Home Park.
4. Rehabilitative Homes.
5. Branch library
6. Retail, service and office uses whose scope of operation and scale is oriented heavily toward the neighborhood in which it is located, and whose characteristics involve limited vehicular traffic, storage space requirements, signage, or parking. Examples of such uses might include convenience stores, beauty shops, salons, doctor or dentist offices, or similar activities.
7. Broadcast media and wireless communications towers.<sup>54</sup>
8. Halfway House.<sup>55</sup>
9. Homeless Shelter.<sup>56</sup>
10. Children's Advocacy Center<sup>57</sup>

C. Lot Size

Every principal permitted use hereafter erected or located in the R-2 District shall have a lot area of not less than:

1. For single-family detached dwellings, including patio homes and zero lot line homes, a minimum of five thousand (5,000) square feet, with a minimum width at the building setback line of fifty feet (50’).
2. The minimum lot size and frontage provisions described herein shall not apply as they relate to the construction or reconstruction of single-family residences or lots that exist and are platted within the City as of August 7, 1995, provided that the lots were formerly used for single family residential purposes, and further provided that only single family residential structures shall be constructed or reconstructed on such lots. All other provisions of this Code, including set back requirements, will remain in full force and effect.

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<sup>53</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>54</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>55</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>56</sup> Ibid

<sup>57</sup> Added by Ordinance 2018-06-01, adopted June 28, 2018

3. For multi-family dwellings, a minimum of eleven thousand, five hundred (11,500) square feet, an additional two thousand (2,000) square feet per dwelling unit for a structure containing more than three (3) dwelling units.
4. For boarding and rooming houses, a minimum of two thousand (2,000) square feet per unit and in no case shall the minimum lot area be reduced below seventy-seven hundred (7,700) square feet.

D. Yard Areas

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Twenty-five feet (25') from the front property line or fifty-five feet (55') from the centerline of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard.)
2. Side Yard.
  - a. For a detached single-family home on an individual lot, a total of twenty percent (20%) of lot width at building set back line, but in no case shall a side yard be less than seven feet (7') on a side.
  - b. For any lot that is part of a patio home or zero lot line subdivision, one side yard shall be at least seven feet (7') wide.
3. A total of twenty (20) percent of the lot width at building setback line but in no case shall a side yard be less than seven feet (7') on a side.
4. Rear Yard. Twenty-five feet (25') from rear property line.

E. Height Limitation

No structure shall exceed thirty-six feet (36') or three (3) stories, whichever is less.

F. Prohibited Uses

1. Travel trailers or motor homes, buses, trucks one and one-half (1½) tons and over and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis.
2. The storing, parking or otherwise placing of a mobile home in an R-2 residential zoning district is prohibited except as allowed under Section 14.06.04. of this Code.
3. Sexually oriented businesses.

14.06.04. Mobile Home Park

A. Required Conditions

1. A mobile home park may be permitted by a Conditional Use Permit in the R-2 General Residential Zoning Districts.
2. The minimum area for a mobile home park shall be two (2) acres.<sup>58</sup>
3. A mobile home park shall have a minimum of five mobile home spaces.

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<sup>58</sup> Revised by Ordinance 2012-05-01, Section 1, changing five acres to two acres.



4. The park shall be located on a well-drained side, properly graded to insure rapid drainage and freedom from stagnant pools of water.

B. Design

1. Lot Size

Each mobile home space shall have a minimum of thirty-six hundred (3,600) square feet. A mobile home space shall be at least forty feet (40') in width.

2. Yard Areas

A mobile home space shall have yard setbacks of not less than seven and one-half feet (7½') on all sides.

3. Parking and Streets

- a. A mobile home space shall have two (2) off-street parking spaces, each nine feet (9') by twenty feet (20').
- b. All mobile home spaces shall abut a hard-surfaced driveway of not less than twenty feet (20') in width which shall have unobstructed access to a public street.

4. Utilities

- a. Utility services to each mobile home space shall be in conformance with requirements for utility service in the subdivision regulations for single-family dwellings.
- b. Each mobile home space shall be provided with sanitary sewer and water service in a manner which meets the City sewer and water codes.

5. Screening

All mobile home parks shall be screened around the perimeter by a six foot (6'), site-obscuring screen of permanent, year-round fencing and landscaping.

CHAPTER 14.07.  
COMMERCIAL DISTRICTS

Sections

- 14.07.01 Traditional Business District [T-1]
- 14.07.02 Commercial Community District [C-1]
- 14.07.03 Commercial Building Design in the Commercial Community (C-1) Zoning District

14.07.01. Traditional Business District [T-1] <sup>59</sup>

This District provides a central area for the sale of retail goods and services required by residents of the City and/or the Trade Area.

A. Permitted Uses

The provisions of this section or title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. In every case, the Planning Commission shall be granted flexibility in review and recommendation.

Unless otherwise provided in this Code, no building or land shall be used and no building shall be erected, converted, enlarged or structurally altered in the T-1 Traditional Business District except for one or more of the following uses:

1. Retail establishments providing goods and services such as clothing, grocery, drug, hardware, variety stores and similar uses.
2. Offices (public or private)
3. Banks and other financial institutions
4. Wholesale and warehouse, incidental to primary use.
5. Automotive sales, service repair, and storage.
6. Theaters, places of public assembly and any public recreational uses.
7. Parking lots. (See Chapter 14.10.)
8. Garages and gasoline services stations subject to the following provisions:
  - a. Pumps, lubricating or other devices are located at least twenty feet (20') from any street right-of-way.
  - b. All bulk fuel, oil or similar substances are stored at least thirty-five feet (35') distant from any street or lot line and shall be underground.
  - c. All automobile parts, dismantled vehicles and similar articles are stored within a building.
9. Accessory structures and uses are incidental to the permitted uses and are not detrimental to the adjacent properties or character of the district.
10. Motels / Hotels and lodging houses.
11. Eating establishments, including drive-in types
12. Funeral homes.
13. Hospitals and nursing homes.
14. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.

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<sup>59</sup> Added by Ordinance 2010-7-1, Section 6. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 25, 2010.

15. Churches.
16. Main library
17. Broadcast media and wireless communications towers. <sup>60</sup>
18. Residential apartments above the first floor of a commercial structure. <sup>61</sup>
19. Mobile Food Courts <sup>62</sup>

B. Conditional Uses

The following may be allowed by Conditional Use Permit in accordance with the provisions of Section 14.03.06.

1. Ground floor apartments, provided that they use no part of the front portion of the ground floor space which must be used by or available for commercial use. <sup>63</sup>
2. Bed and Breakfast. <sup>64</sup>
3. Convenience Store. <sup>65</sup>
4. Halfway House. <sup>66</sup>
5. Homeless Shelter. <sup>67</sup>
6. Children's Advocacy Center <sup>68</sup>

C. Prohibited Uses

1. Sexually oriented businesses.
2. Child Care Facility. <sup>69</sup>

D. Yard Areas

1. Front Yard: None required.
2. Side Yard: None required.
3. Rear Yard: Minimum twenty feet (20') from property line or center of alley where one exists.

E. Height Limitation

No restriction, except that facilities higher than five [5] stories shall require approval of the Fire Chief.

F. Lot Size

No minimum size required.

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<sup>60</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>61</sup> Added by Ordinance 2015-11-01, Section 1, November 10, 2015

<sup>62</sup> Added by Ordinance 2017-12-03, Section 3, December 18, 2017

<sup>63</sup> Added by Ordinance 2015-11-01, Section 1, November 10, 2015

<sup>64</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>65</sup> Ibid

<sup>66</sup> Ibid

<sup>67</sup> Ibid

<sup>68</sup> Added by Ordinance 2018-06-01, adopted June 28, 2018

<sup>69</sup> Definition added by Ordinance 2014-04-01, adopted 4/8/2014, effective on 7/8/2014

14.07.02. Commercial Community District [C-1] <sup>70</sup>

This District provides space for retail activities and services.

A. Permitted Uses

The provisions of this section or title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. In every case, the Planning Commission shall be granted flexibility in review of the recommendation.

1. Retail establishments providing goods or services.
2. Office buildings and uses.
3. Garages and gasoline service stations subject to the following provision:
  - a. Pumps, lubricating or other devices are located at least twenty feet (20') from any street or highway right-of-way.
  - b. All automobile parts, dismantled vehicles and similar articles are stored within a building.
  - c. All bulk fuel, oil or similar substances are stored at least thirty-five feet (35') distant from any street or lot line.
4. Accessory uses that are incidental to the permitted uses that are not detrimental to the adjacent properties or the character of the District.
5. Eating establishments, including drive-in, "drive-through, carry-out" restaurants.
6. Main Banks and Branch Banks
7. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
8. Churches.
9. Funeral Homes.
10. Motels / Hotels and lodging houses.
11. Automobile sales, services, repair, and storage.
12. Theaters, places of public assembly and any public recreational uses.
13. Parking lots, (See Chapter 14.10.)
14. Hospital and nursing homes.
15. Broadcast media and wireless communications towers. <sup>71</sup>
16. Convenience Stores. <sup>72</sup>
17. Halfway House. <sup>73</sup>
18. Mobile Food Courts <sup>74</sup>

B. Conditional Uses

The following may be allowed by Conditional Use permit in accordance with the provisions of Section 14.03.06.:

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<sup>70</sup> Added by Ordinance 2010-7-1, Section 7. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 25, 2010.

<sup>71</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>72</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>73</sup> Ibid

<sup>74</sup> Added by Ordinance 2017-12-03, Section 3, adopted December 18, 2017

1. Light manufacturing/processing operations requiring very minimal outside storage, truck traffic and external noise, vibration, dust, odor or glare.
2. Bed and Breakfast.<sup>75</sup>
3. Child Care Facility.<sup>76</sup>
4. Homeless Shelter.<sup>77</sup>
5. Children's Advocacy Center<sup>78</sup>
6. Motel Manager/Caretaker Residence<sup>79</sup>

C. Prohibited Uses

1. Sexually oriented businesses.

D. Yard Areas

No building shall be erected or enlarged unless the following setbacks are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard: Twenty feet (20') from the front property line. (Any yard adjoining a street shall be considered a front yard).
2. Side Yard: None required.
3. Rear Yard: Twenty feet (20') from the rear property line or center of alley where one exists.

E. Height Limitations

No restriction, except that facilities higher than five [5] stories shall require approval of the Fire Chief.

F. Lot Size

No minimum required.

14.07.03. Commercial Building Design in the Commercial Community [C-1] Zoning District<sup>80</sup>

A. Purpose

The purpose of this section is to create a framework for ensuring that the design of commercial buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city, thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of commercial buildings that:

1. Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor;

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<sup>75</sup> Ibid

<sup>76</sup> Ibid

<sup>77</sup> Ibid

<sup>78</sup> Added by Ordinance 2018-06-01, adopted June 28, 2018

<sup>79</sup> Added by Ordinance 2019-11-01, adopted November 12, 2019

<sup>80</sup> Prior to the adoption of Ordinance 2010-10-01, Section 2, October 12, 2010, this section dealt with the Commercial Neighborhood [C-2] zoning district. Replaced by Ordinance 2013-9-1, adopted September 10, 2013; having no emergency clause, it became effective on December 10, 2013.

2. Express individual design and creativity without detracting from the visual environment to the point that at which the values of adjoining properties will be negatively recognized.
3. Are appropriate to the context in which they are located; and
4. Generally, do not detract from the aesthetics of the location, area, and community as a whole.

#### B. Procedures for Obtaining a Building Permit

1. Persons desiring to obtain a building permit for the construction of a new building or the renovation or expansion of an existing building may do so by choosing one of the following two options.
  - a. Option 1: Applicants who meet all of the following conditions may apply for a Standard Commercial Building permit through the normal administrative procedures.
    - 1) The design of the building conforms to the design standards outlined in subsection D. below; and,
    - 2) The footprint of the primary building does not exceed, in square footage, that of primary buildings on adjoining properties by more than fifty percent (50%); and,
    - 3) The primary building is not more than two (2) stories in height.
  - b. Option 2: Applicants who do not meet the specifications above must submit an application for a Non-Standard Commercial Building Permit no less than ten (10) days before the next planning commission meeting. The application shall contain the following, as a minimum:
    - 1) All information required for a standard commercial building permit; and,
    - 2) Front and side elevations of all structures; and,
    - 3) Materials list for front and side facades, roof structures, and trim; and,
    - 4) Any other material supporting the proposed design of the building.

#### C. Review of Building Permits for Non-Standard Commercial Buildings

The Planning Commission shall review the proposed design during the next Commission meeting and allow public review of and comment on the proposed design. Public comments shall be allowed although an advertisement for a public hearing is not required. The Commission shall authorize the Code Enforcement Officer to issue a building permit only after reviewing the proposed submittal and determining:

1. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole; and,
2. No discernible public benefit would be gained by requiring an alternative design; and,
3. The size and bulk of the proposed building is comparable to other buildings within the immediate area; and,
4. The proposed construction meets the spirit and intent of this section of the zoning code.

#### D. Design Standards

Adherence to the following standards shall qualify a proposed structure as a Standard Commercial Building.

1. The finished façade of front visible side of the building shall be composed of acceptable building materials. This includes any side of the building that fully faces a public street or the front of a building facing any other fire apparatus access lane that is also used for public access. The visible side of the building shall mean the forward eight feet of any side perpendicular to a street and all of a side or an angle of less than ninety degrees (90°) as measured from the street or fire apparatus access lane to the side of a building. Acceptable building materials for the affected portions of buildings as defined in this

section shall include:

- a. Exterior Insulation Finish Systems (EIFS)
  - b. Brick
  - c. Architectural concrete block to the exclusion of precision concrete blocks.
  - d. Glass
  - e. Pre-Cast Concrete
  - f. Native Stone
  - g. Wood
  - h. Tile
  - i. Stucco
2. The building plans shall designate one façade of the building as the “front” of the building and this façade shall have windows and doors comprising no less than 15 percent of its total square footage.
  3. The vertical plane of the side designated as the front of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one-foot differential in the vertical plane for each 50 feet of horizontal surface or a minimum of one time. This requirement may be met by a recessed or extended entrance.
  4. The front entrance to the building shall be covered and well articulated and shall not consist solely of a door opening into a flat vertical plane.
  5. The building does not exhibit a metal mansard roof or metal parapets around the roof.
  6. Roofs may be of metal.
  7. Accent trim on roofs, windows and doors may be of metal or wood.
  8. There shall be no illustrative designs on any visible façade material.
  9. In general, the building shall not represent a simple box like structure or resemble a temporary or portable building.
  10. Mechanical equipment, whether ground-mounted or roof mounted on any portion of a commercial building must be placed or screened in such a manner that it is not visible from the street.
  11. Dumpsters or other trash receptacles shall be enclosed on at least three (3) sides by an enclosure of a height which completely conceals the dumpster or receptacle. The open side of the enclosure shall be placed adjacent to the parking area and away from adjoining property.

#### E. Exempted Structures

Renovations: Any proposed renovation or expansion of a commercial building estimated to cost in excess of fifty percent (50%) of the replacement cost of the building or to replace fifty percent (50%) of the front façade of the structure shall be subject to the requirements of this section. Renovations estimated to cost less than fifty percent (50%) of the replacement cost are exempted from this section.

#### F. Appeals

1. From a Decision of the Code Enforcement Officer

If an applicant disagrees with a determination by the Code Enforcement Officer that the proposed building design is Non-Standard, such determination may be appealed to the Planning Commission. The appeal shall be in writing, submitted to the chairman of the Commission within thirty (30) days of the

determination, providing detailed evidence as to why the applicant believes the determination to be in error. The Commission shall hear such appeal at its next scheduled meeting and either affirm or reverse the determination of Code Enforcement Officer. The applicant shall be notified in writing within ten (10) days of the Commission's decision. An affirming decision may be appealed to the City Council, consistent with the procedure defined in subsection F.2. below.

2. From a Decision of the Planning Commission.

When the Commission does not approve the design of a Non-Standard Commercial Building or affirms a determination of the Code Enforcement Officer, the applicant may appeal the decision to the City Council, provided that such appeal is filed in writing to the Mayor's Office within ten (10) days of the Commission meeting at which time the design was denied or determination affirmed. Such appeal shall include reasons detailing why the Commission's denial is not in keeping with the intent of this section or affirmation is in error. The appeal will be placed on the Council agenda no less than sixty (60) days after submission.



CHAPTER 14.08  
INDUSTRIAL DISTRICTS

Sections

- 14.08.01 Light Industrial District [I-1]
- 14.08.02 General Industrial District [I-2]

14.08.01. Light Industrial District [I-1] <sup>81</sup>

The I-1 Light Industrial District is intended to accommodate light industrial, wholesale and research establishments including light manufacturing and machinery operations that are so conducted that noise, odor and glare of each operation is confined completely within an enclosed structure. The district is also intended to accommodate sexually oriented businesses whether they are of a wholesale or retail nature. The Industrial Districts specifically exclude residential dwelling units on the theory that the mixture of residential uses and the location of sexually oriented businesses and industrial uses is contrary to the purposes of these regulations.

A. Permitted Uses

Unless otherwise provided in this Code, no buildings or land shall be used or no building shall be erected, converted, enlarged or structurally altered in the I-1 Light Industrial District except for one or more of the following uses:

1. Any production, processing, servicing, testing, repair or storage of materials, goods, equipment or products and the sale of all such products assembled, manufactured or produced on the property but not including any of the uses listed as permitted in the I-2 General Industrial District in Section 14.08.02.
2. Wholesaling and warehousing, local cartage and express facilities.
3. Agricultural uses.
4. Accessory uses, including off-street parking and loading as permitted or required in Chapter 14.10.
5. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
6. Signs, as regulated by the City Ordinance and/or Municipal Code of Batesville, Arkansas
7. Broadcast media and wireless communications towers. <sup>82</sup>
8. Homeless Shelter. <sup>83</sup>
9. Mobile Food Courts <sup>84</sup>

B. Conditional Uses <sup>85</sup>

1. Convenience Store.
2. Halfway House.

C. Required conditions

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<sup>81</sup> Added by Ordinance 2010-7-1, Section 8. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 25, 2010.

<sup>82</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>83</sup> Definition added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>84</sup> Added by Ordinance 2017-12-03, Section 3, adopted December 18, 2017

<sup>85</sup> Subsection B. added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

1. All production, processing, servicing, testing, repair or storage of materials, goods, equipment or products shall take place within completely enclosed buildings.
2. No production of toxic or hazardous materials.
3. Sexually oriented businesses shall comply with all of the following further restrictions.
  - a. No sexually oriented business may not be operated within one thousand feet (1,000'), measured in a straight line, without regard to intervening structures or objects from the nearest property line of the sexually oriented business to the nearest property line of any of the following:
    1. a church;
    2. a church sponsored youth activity center;
    3. a public or private elementary, secondary or post-secondary school or pre-school;
    4. a public park;
    5. a museum;
    6. a licensed day-care or child care center;
    7. an entertainment business that is oriented primarily towards children;
    8. a boundary of any residential district;
    9. a boundary of any commercial or traditional business district or a property legally used as a residential use in said commercial or traditional business use;
    10. a boundary of a local historic residential district;
    11. a boundary of a public park;
    12. a boundary of any facility primarily used or attended by persons under the age of eighteen (18);
    13. a property on the National Register of Historic Places;
    14. a property, place or establishment that sells or dispenses any alcoholic beverage; or
    15. the boundary of another sexually oriented business.
  - b. All activities of the sexually oriented business shall be carried on completely within enclosed buildings.
  - c. All other provisions of the Sexually Oriented Business Ordinance shall apply.

D. Lot Size

No minimum required.

E. Yard Areas

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard).
2. Side Yard. A side yard on each side of the zoning lot of not less than ten (10) feet.
3. Rear yard. Twenty-five (25) feet from rear property line.

F. Height Restriction

None, except that any structure higher than five [5] stories shall be approved by the Fire Chief.

14.08.02. General Industrial District [I-2] <sup>86</sup>

The I-2 General Industrial District is intended to accommodate those industrial uses which may not or cannot meet standards of the I-1 District and is also intended to accommodate sexually oriented businesses whether they are of a wholesale or retail nature. The Industrial Districts specifically exclude residential dwelling units on the theory that the mixture of residential uses and industrial and the location of sexually oriented businesses is contrary to the purposes of these regulations.

A. Permitted Uses

Unless otherwise provided in this Code, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the I-2 General Industrial District except for one or more of the following uses:

1. All uses permitted in the I-1 Light Industrial District.
2. Salvage yard.
3. Bulk plants.
4. Feed mills.
5. Compressor stations.
6. Production of toxic or hazardous materials.
7. Sexually oriented businesses.
8. Broadcast media and wireless communications towers. <sup>87</sup>
9. Mobile Food Courts <sup>88</sup>

B. Conditional Uses <sup>89</sup>

1. Convenience Store.
2. Halfway House.

C. Required Conditions

1. All outside storage shall be screened by a site obscuring fence or shrub. <sup>90</sup>
2. Sexually oriented businesses shall comply with all of the following further restrictions.
  - a. No sexually oriented business may not be operated within one thousand feet (1,000'), measured in a straight line, without regard to intervening structures or objects from the nearest property line of the sexually oriented business to the nearest property line of any of the following:
    1. a church;
    2. a church sponsored youth activity center;
    3. a public or private elementary, secondary or post-secondary school or pre-school;
    4. a public park;
    5. a museum;
    6. a licensed day-care or child care center;

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<sup>86</sup> Added by Ordinance 2010-7-1, Section 9. Adopted July 27, 2010. Lacking an emergency clause, the revision became final on August 25, 2010.

<sup>87</sup> Added by Ordinance 2010-10-03, Section 2, October 12, 2010.

<sup>88</sup> Added by Ordinance 2017-12-03, Section 3, adopted December 18, 2017

<sup>89</sup> New Subsection B. added by Ordinance 2014-04-01 adopted 4/8/2014, effective on 7/8/2014

<sup>90</sup> Revised by Ordinance 2012-01-04, January 24, 2012.

7. an entertainment business that is oriented primarily towards children;
  8. a boundary of any residential district;
  9. a boundary of any commercial or traditional business district or a property legally used as a residential use in said commercial or traditional business use;
  10. a boundary of a local historic residential district;
  11. a boundary of a public park;
  12. a boundary of any facility primarily used or attended by persons under the age of eighteen (18);
  13. a property on the National Register of Historic Places;
  14. a property, place or establishment that sells or dispenses any alcoholic beverage; or
  15. the boundary of another sexually oriented business.
- b. All activities of the sexually oriented business shall be carried on completely within enclosed buildings.
  - c. All other provisions of the Sexually Oriented Business Ordinance shall apply.

D. Lot Size

No minimum requirement.

E. Yard Areas

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Twenty-five (25) feet from the property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater. (Any yard adjoining a street shall be considered a front yard).
2. Side Yard. A side yard on each side of the zoning lot of not less than ten (10) feet.
3. Rear Yard. Twenty-five (25) feet from rear property line.

F. Height Restriction

None, except that any structure higher than five [5] stories shall be approved by the Fire Chief.

CHAPTER 14.09  
PLANNED DEVELOPMENT <sup>91</sup>

Sections

- 14.09.01 General Description
- 14.09.02 Application Process
- 14.09.03 Regulations
- 14.09.04 Review Process
- 14.09.05 City Council Approval
- 14.09.06 Amendments

14.10.01. General Description

The purposes of this district are to promote flexibility and innovation in the design of large-scale developments and to encourage the use of vacant, in-fill parcels in the built-up portion of the city. The zone also promotes open space in the project design. The Planned Development (PD) allows greater flexibility of design to achieve the goals stated above.

In concept, the PD is a combination of zoning designation and development plan. A detailed development plan is required for permitting. Development must follow the Development plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PD proposal only if it meets one of the following threshold criteria.

- A. The PD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
- B. The PD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
- C. The PD involves a large parcel in which flexibility would allow high quality or innovative urban design.
- D. The PD would aid in the elimination of slums and blight within the city.
- F. The PD design results in a minimum of 30 percent of the total development reserved as permanent open space.

PDs may be residential, commercial, industrial or mixed-use in nature. The development plan shall clearly depict the proposed land uses. There are no minimum size restrictions for PDs; however, the Planning Commission will consider PDs of less than one acre only under special circumstances.

14.09.02. Application Process

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

A. Pre-application Conference

Each prospective applicant shall confer with the City staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.

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<sup>91</sup> Added by Ordinance 2017-12-01, adopted December 18, 2017

1. The boundaries of the property
2. Existing easements and covenants affecting the property
3. Physical characteristics such as drainage, topography, vegetation and existing structures.
4. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
5. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

B. Development plan submittal

No less than 20 days prior to the Planning Commission meeting at which the proposed Planned Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed development plan to City staff. The submittal shall include the following as a minimum.

1. A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® in the version required by the city. Survey information shall be prepared by a Professional surveyor. Drainage and utility calculations shall be prepared by a Professional Engineer. The professional stamps of the individuals responsible for the various elements shall be indicated on the drawing.
2. Name of developer
3. Name and address of owner
4. Proposed land uses and percentage of land devoted to each
5. Building footprints for the individual buildings to be included in the PD except buildings on lots designated as single-family residential or duplex lots.
6. Topographic contours at two (2) foot intervals
7. All easements existing or proposed.
8. Street rights-of-way and street names
9. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
10. Proposed landscaping
11. Open space and community facilities, if any, proposed as part of the PD
12. Names of the owners of adjacent properties
13. Zoning classifications of adjoining properties
14. Construction drawings as necessary to support the proposals outlined in the development plan.
15. Exterior lighting and speakers

14.09.03. Regulations

The regulations for PD are as follows:

- A. Residential Lot Size: No minimum lot sizes are established, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
- B. Open Space Reservation: In any Planned Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, while conserving

visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the City Engineer shall be posted with the City for completion of said open space improvements prior to such sale.

The development plan shall clearly depict the amount of land to be maintained as permanent open space.

- C. Development Density: The development plan shall clearly depict the proposed density by land use category.
- D. Property Owners' Association: As part of the plan proposed for any Planned Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be incorporated as a nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Development.
- E. Responsibility for Open Space: Nothing in this Section of the Code shall be construed as a responsibility of the City of Batesville, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities. A hold-harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.
- F. Common Open Spaces: The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the Planned Development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.
- G. Landscaping Plan: In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the development plan. The preservation of the natural amenities within the Planned Development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.
- H. Transportation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within Planned Development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic. The design of collector or arterial streets shall conform to the city's Master Street Plan and shall not be interrupted by gates. The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission,

pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

- I. Land Subdivision: In the construction and installation of all subdivision improvements in the Planned Development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exceptions to the requirements are specifically approved by the Planning Commission and the by the City Council as part of the PD design.

In the future, should the owners of a PD request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

#### 14.09.04. Review Process

The Planning Commission shall review the proposed PD after proper submittal of all documents and review by the City staff. The following criteria will govern the approval or disapproval of the PD application by the Planning Commission.

- A. The PD shall provide public benefits that would not be achievable through the normal zoning regulations
- B. The PD shall maintain the same or higher level of service (LOS) for the surrounding traffic system.
- C. The PD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering is included with the PD to shield adjoining uses from the adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.
- D. The PD shall be compatible with the adopted plans and policies of the city, including the Master Street Plan. If the PD is not consistent with any of such plans or policies, the application must include with the PD submittal a request to amend such plans or policies.
- E. The PD shall be designed in such a manner as to protect the public health, welfare and safety of the residents of the neighborhood in which it is located.
- F. The PD must be of a character and contain such uses that are needed in the area of the proposed project.
- G. Approval of a PD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department. Approval of the PD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

#### 14.09.05. City Council Approval

Planned Developments represent zoning districts and must be approved by the City Council. However, the development shall be in accordance with the approved development plan. The Planning Commission must approve any contemplated deviation from the approved development plan except as specified in Section 14.09.06. Upon approval by the Planning Commission, all recommendations shall be submitted to the Batesville City Council for approval. The Batesville City Council has the authority to require reasonable plan changes for the Planned Development as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PD. Failure to begin work on an approved PD within one year of the date of approval shall cause the PD approval to be rescinded and the property shall revert to the zoning classification that existed prior to the PD approval.



14.09.06 Amendments

Following City Council approval, the staff may approve minor revisions to the site plan if:

- A. No changes are made to either the access or the egress to the PD.
- B. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
- D. No new streets are proposed for dedication.
- E. No new private streets are proposed.
- F. Overall residential density is not increased.
- G. Overall drainage patterns are not altered.
- H. No additional loads are placed on municipal utilities.
- I. Retail and office space is not increased by more than five percent.
- J. No open space is dedicated for public maintenance.

CHAPTER 14.10  
OFF-STREET PARKING AND LOADING REQUIREMENTS <sup>92</sup>

Sections

- 14.10.01 Purpose
- 14.10.02 Parking Requirements
- 14.10.03 Landscaping
- 14.10.04 Schedule of Parking Requirements
- 14.10.05 Schedule of Loading and Unloading Requirements
- 14.10.06 Exemption of Traditional Business District [T-1]

14.10.01. Purpose

The purpose of this Section of the code is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the property.

14.10.02. Parking Requirements

- A. There shall be provided permanent off-street parking space:
  - 1. At the time of construction of any building or structure.
  - 2. At the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.
  - 3. Before conversion from one zoning use or occupancy to another.
- B. Vehicular access shall be provided to a public street or alley. Any off-street parking area already in use or established hereafter shall not be reduced below the limits required by this Section by the construction of any addition to a building or structure or by the construction of any additional building or structure on the property.
- C. Design Standards
  - 1. A required off-street parking space shall be at least nine feet (9') in width and at least twenty feet (20') in length.
  - 2. All parking areas, public or private, containing more than five (5) parking spaces including open sales and storage areas shall be improved with an asphalt or concrete surface. All existing public or private parking areas that contain five (5) or more parking spaces shall be surfaced with an asphalt or concrete material. This requirement shall apply to any parking area required by any regulation of the City of Batesville for any new construction or renovation requiring additional parking spaces. <sup>93 94</sup>

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<sup>92</sup> See also Chapter 8.28 of the Batesville Municipal Code, and particularly 8.28.20 – 22.

<sup>93</sup> Ordinance 2004-7-1 [Date of passage was July 13, 2004; deadline would then be July 13, 2011]

<sup>94</sup> Ordinance Number 2009-08-02, adopted August 11, 2009, deleted the third sentence setting a deadline and added the fourth sentence.

### 14.10.03. Landscaping

#### A. Intent

It is the intent of these provisions to reduce to a minimum any unaesthetic view and to encourage tree and shrub planting thereby reducing noise, air pollution, forceful winds, surface drainage and soil erosion to adjacent property and generally adding to the beauty and worth of the City of Batesville.

#### B. General Requirements

All parking areas, public or private, and including all open sales areas containing more than five (5) spaces, shall be screened with landscaping on the sides adjacent to any property that is used or zoned for residential purposes, and on the sides abutting a public right-of-way, exclusive of curb cuts. The parking areas shall be so arranged that they shall be screened from view. In addition, all parking areas, public or private, and including all open sales areas containing ten (10) or more contiguous spaces shall contain, dispersed among the parking spaces or around the edges of the parking area, protected trees to the extent that one (1) tree shall be provided for every ten (10) parking spaces or fraction thereof. Any required planting strip shall be a minimum of four (4) feet in width, a minimum of four (4) feet in height and of a permanent, year-round nature.

### 14.10.04. Schedule of Parking Requirements

#### A. Residential Uses

1. Single-family residence. Two (2) parking spaces per dwelling unit.
2. Two-family residence. Two (2) parking spaces per dwelling unit.
3. Multi-family residence. Two (2) parking spaces per dwelling unit, subject to the requirements and exceptions at Section 14.10.06.D.<sup>95</sup>
4. Boarding, rooming and lodging houses. One (1) parking space per bedroom.
5. Hotel/Motel. One (1) parking space per unit.

#### B. Retail and Service Uses

One (1) parking space per Two hundred fifty (250) square feet of gross floor area.

#### C. Wholesale Establishments

1. One (1) parking space per six hundred (600) square feet on gross floor area.

#### D. Industrial Establishments

1. Warehouse or storage. One (1) parking space per two thousand (2,000) square feet of gross floor area.
2. General Industrial establishments. One (1) parking space per five hundred (500) square feet of gross floor area.

#### E. Offices

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<sup>95</sup> Exception added by Ordinance 2015-11-01, Section 1, November 10, 2015

1. One (1) parking space per two hundred (200) square feet of gross floor area, exclusive of the area used for storage, utilities and building service area.

F. Places of Assembly

1. Theater, auditorium, church one (1) parking space per four (4) seats based on maximum seating.

G. Public Facilities and Recreation Services

1. One (1) parking space per fifty (50) square feet of floor area used for assembly or recreation in the building.

H. Restaurants

1. Sit-down Restaurants. One (1) parking space per one hundred (100) square feet of gross floor area.
2. Drive-in Restaurants. "Fast-food, Carry-out". One (1) parking space per fifty (50) square feet of gross floor area.

I. Banks

1. One (1) parking space per 300 square feet of gross floor area. Three (3) off-street stacking spaces per drive-in customer services window.

J. Schools

1. Nursery, elementary, junior high schools. One (1) parking space per twenty (20) pupils.
2. Senior High schools, One (1) parking space per 3.5 pupils.

14.10.05. Schedule of Loading and Unloading Requirements

A. Location and Design

1. Shall be in addition to the required off-street parking.
2. Shall not be designed to project into public street or alley.
3. When trailer trucks are involved, each space shall be an area of 12 X 50 feet, with fourteen (14) foot height clearance and have adequate maneuvering area so as not to require maneuvering on public streets.
4. All loading and unloading spaces shall have permanent dust-free surfaces.

B. Spaces Required

1. Commercial Establishments. One (1) off-street loading space for each ten thousand (10,000) square feet of floor area.
2. Industrial and Warehousing. One (1) off-street loading space for each establishment with one additional space for each forty thousand (40,000) square feet of floor area.

3. Residential. No requirement.

#### 14.10.06. Exemption of Traditional Business District [T-1]

Nothing in this section shall apply to any existing building in any T-1 Traditional Business District, except for the following:

- A. Chapter 14.10 shall apply to all new construction in T-1 Traditional Business District.
- B. Chapter 14.10 shall further apply to any existing building, or any part thereof, whenever the use to be made of said building shall be for apartments, motels, hotels, boarding houses or other residential purposes.
- C. Any remodeling or additions to an existing building shall not cause current off-street parking or loading zones to be diminished below the standards set by Chapter 14.10 and if any current existing building does not comply with Chapter 14.10 at the present, any remodeling or addition to an existing building shall not diminish the present parking or loading zones currently in place. <sup>96</sup>
- D. Parking Requirements.
  1. The owner or developer of apartment units in the T-1 District shall provide a minimum of two (2) on-site or off-site, off-street parking spaces per dwelling unit, and provide evidence that such parking is dedicated or clearly available to apartment occupants.
  2. The Enforcement Officer may grant a waiver to the requirement for two (2) parking spaces per unit, provided that:
    - a. The number of spaces per unit is no less than one (1);
    - b. The owner or developer requests such a waiver in writing, providing clear and convincing evidence that reducing the required number of spaces per unit will not adversely affect on-street parking availability for commercial uses in the area. <sup>97</sup>

#### 14.10.07. Waiver of Standards <sup>98</sup>

- A. Applicants who wish to provide parking that is different in any respect from the design requirements of Sections 14.10.02 - 04 shall submit specific documentation, as part of the permit procedure, which provides a detailed explanation of and justification for the reasons for a departure from said design requirements. Such explanation shall, at a minimum, provide an explanation of:
  1. The number of spaces proposed, if different from the standards of Section 14.10.04, with a justification that reasonably anticipates the number needed for normal operations or use, and, in the case of commercial uses, is sufficient to meet the likely demands of peak or near peak use;
  2. The likely impact of the proposed parking arrangement on traffic flows;
  3. The proposed type of surface(s) will not adversely affect adjacent properties or streets in any way.
- B. The Enforcement Officer will conduct a technical review of the proposed design, with the advice of the City Engineer and such other departments as is deemed advisable. The Enforcement Officer may deny the requested waiver, or grant a waiver, in whole or in part, from the strict adherence to the standards of Sections 14.10.02-04 only if it is determined that such waiver would:

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<sup>96</sup> Ordinance 85-4-1

<sup>97</sup> Subsection D adopted by ordinance 2016-11-01, Section 1, November 10, 2015

<sup>98</sup> Added by Ordinance 2018-05-01, adopted May 7, 2018

- a. Not adversely affect nearby properties; and
- b. Is consistent with the spirit and intent of this Code; and
- c. Not create a conflict with any other City ordinance, regulation or policy.

14.10.08. Appeals<sup>99</sup>

Applicants may appeal decisions of the Enforcement Officer to the Board of Zoning Adjustment.

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<sup>99</sup> Added by Ordinance 2018-05-01, adopted May 7, 2018

CHAPTER 14.11  
NONCONFORMING USES AND STRUCTURES

Sections

- 14.11.01 Statement of Intent
- 14.11.02 Continuance of Use
- 14.11.03 Discontinuance of Use
- 14.11.04 Renovation, Alteration or Enlargement of Buildings and Structures
- 14.11.05 Nonconforming Uses of Land
- 14.11.06 Nonconforming Lots

14.11.01. Statement of Intent

Within the districts established by this Code, or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which are lawful before the Code was passed or amended but which would be prohibited, regulated or restricted under the terms of this Code or future amendments. It is the intent of this Code to permit these nonconformities to continue until they are removed but not to encourage their survival.

To avoid hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently.

14.11.02. Continuance of Use

- A. Any lawfully established use of a structure or land, on the effective date of this Code, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued except as otherwise provided herein.
- B. Any legal nonconforming structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. All outdoor advertising structures, signs and business signs existing on or prior to the effective date of the adoption of this Code or amendments hereto, or the effective date of a change in land use classification which may occur hereafter, which does not conform to the provisions of this Code relating to the district in which such outdoor advertising structures, signs and business signs are located shall be considered nonconforming and may be continued except as otherwise provided herein.
- D. Any structure for which a permit has been lawfully granted prior to the effective date of this Code, or of amendments hereto, may be completed in accordance with the approval plans; provided construction is started within sixty (60) days and diligently prosecuted to completion within two (2) years from the date of passage of this Code. Such structure shall thereafter be deemed a lawfully established structure and may remain in existence except as otherwise provided therein.

#### 14.11.03. Discontinuance of Use

- A. Whenever any part of a structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Code, such premises shall not thereafter be used or occupied by a nonconforming use even through the structure may have been originally designed and constructed for prior nonconforming use.
- B. Whenever a nonconforming use of a structure or part thereof has been discontinued for a period of four (4) consecutive months, such use shall not, after being discontinued or abandoned, be reestablished and the use of the premises thereafter shall be in conformity with the regulations of the district; provided, however, that an existing structure on the property may be used for another nonconforming use of the same kind as was previously on the property or for a nonconforming use of a less intense type and less objectionable than the previous use, provided the Planning Commission shall find that the proposed use is more appropriate to the district than the existing nonconforming use. As used herein, the term “less intensive” shall mean a use in which there will be fewer people either as customers or employees, less vehicular traffic, shorter hours of operation or more compatible with the surroundings.

#### 14.11.04. Renovation, Alteration or Enlargement of Building and Structures

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargement, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards, height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with yard, height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

Should such structure be destroyed by any means to an extent of more than seventy percent (70%), determined by the Fire Marshall, it shall not be reconstructed except in conformity with the provisions of this Code, except as provided in Section 14.07.01, T-1 Traditional Business District.

#### 14.11.05. Nonconforming Uses of Land

A nonconforming use of land where the aggregate value of all permanent buildings of structures is less than \$1,000.00 existing at the time of the adoption of this Code, may be continued for a period of not more than three (3) years there from provided that:

- A. Said nonconforming use may not be extended or expanded nor shall it occupy more area than was in use on the effective date of this Code.
- B. If said nonconforming use of any portion thereof is discontinued for a period of four (4) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.



#### 14.11.06. Nonconforming Lots

- A. Any single lot or parcel of land held in one ownership, which was on record at the time of adoption of this code that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located may be utilized for a permitted use if all other requirements, such as yard setbacks, can be met.
- B. In a residential district, on a corner lot, the yard setbacks shall be:
1. Front Yard. (Determined by owner) Twenty-five (25) feet from the front property line or fifty-five (55) feet from centerline of existing right-of-way, whichever is greater.
  2. Side Yard. (Street Side) Ten (10) feet from property line.
  3. Side Yard. Seven (7) feet (interior lot line) from property line.
  4. Rear Yard. Twenty-five (25) feet from rear property line.

#### 14.11.07 Mobile Home Parks

Any mobile home park which existed lawfully prior to the adoption of this Code or any amendments thereto, or which is included in an area annexed into the City, but which does not meet the standards of Section 14.06.04 herein, is considered a non-conforming use. Such use may be continued, provided that:

1. No existing unit may be replaced by a mobile home, as defined in section 14.02.02;
2. No unit may be replaced, nor any unit added, in any mobile home park that does not meet the minimum area as required at section 14.06.04.A.2 of this Code.
3. The number of units in the park may not exceed the number of units for which the park was originally designed, or the density standard of section 14.06.04, whichever is higher. However, whenever a lot in a park remains vacant for at least one year, the total number of lots which may be occupied thereafter shall be reduced by the area of such vacated lot, provided that the park shall not be required to reduce its density lower than the standard provided at 14.06.04.B.
4. The owner of the park shall apply for and secure a permit from the Code Enforcement Office prior to replacing one unit with another, or placing a unit in a previously vacant lot of the park. The Code Enforcement Office shall determine that the movement of a unit onto the park will meet the requirements of this Code and well as any other relevant City codes. <sup>100</sup>

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<sup>100</sup> Section 14.11.07 added by Ordinance Number 2012-05-01, Section 2

CHAPTER 14.12  
BOARD OF ZONING ADJUSTMENT

Sections

- 14.12.01 Creation and Appointment
- 14.12.02 Organization
- 14.12.03 Powers and Duties
- 14.12.04 Appeals

14.12.01. Creation and Appointment

A Board of Adjustment is hereby established which shall consist of the members of the Batesville Planning Commission.<sup>101</sup>

14.12.01. Organization

A. Meetings

1. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions.
2. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the City at least one (1) time seven (7) days prior to the meeting.

14.12.03. Powers and Duties

A. Appeals from Decision of Enforcement Officer

The Board of Zoning Adjustment may hear appeals from the decisions of the administrative officer in respect to the enforcement and application of this Code; and may affirm or reverse, in whole or part, said decision of the administrative officer.

B. Variances

1. The Board of Zoning Adjustment may hear requests for variances from the literal provisions of the Zoning Code, in instances where strict enforcement of the Zoning Code would cause undue hardship due to circumstances unique to the individual property under consideration.
2. The Board may grant such Variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.
3. The Board shall not permit as a Variance, any use in a zone that is not permitted under the Code.

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<sup>101</sup> Ordinance Number 745, Section 1; Ordinance 999 reaffirmed the composition of the Board but did not have an establishment clause – “The Board of Zoning Adjustment shall consist of the entire membership of the Batesville Planning Commission.”

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

14.12.04. Appeals from Decisions of the Board of Zoning Adjustment

Appeals from the decisions of the Board shall be to a court of record within thirty (30) days from the decision of the Board.

CHAPTER 14.13  
SEVERABILITY AND EFFECTIVE DATE

Sections

- 14.13.01 Validity of Regulations
- 14.13.02 Conflicting Provisions Repealed

14.13.01. Validity of Regulations

If any section, paragraph subdivision, clause, phrase or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

14.13.02. Conflicting Provisions Repealed

All ordinances or parts of ordinances in conflict herewith are hereby repealed and these regulations shall take effect and be in force immediately from and after the date of its adoption.

CHAPTER 14.14  
SIGNS <sup>102</sup>

Sections:

- 14.14.01. Purposes and intent
- 14.14.02. Applicability and effect
- 14.14.03. Definitions and interpretation
- 14.14.04. Sign permits – generally
- 14.14.05. Permits to construct or modify signs
- 14.14.06. Time of compliance: non-conforming signs and signs without permits
- 14.14.07. Violations and penalties
- 14.14.08. Computations – on-site signs that are freestanding/permanent
- 14.14.09. Computations of off-site signs
- 14.14.10. Signs allowed on private property with and without permits
- 14.14.11. Temporary and portable signs
- 14.14.12. Designs, construction and maintenance
- 14.14.13. Off-site signs (includes, but is not limited to, billboard signs)
- 14.14.14. Common Signage Plan
- 14.14.15. Setback requirements
- 14.14.16. Signs in the public right-of-way
- 14.14.17. Use of a vehicle as a sign
- 14.14.18. Signs exempt from regulation under this ordinance
- 14.14.19. Signs prohibited under this ordinance
- 14.14.20. Abandoned signs
- 14.14.21. Enforcement and remedies
- 14.14.22. Fee schedule

14.14.01. Purposes and intent

The purposes and intent of these sign regulations are:

- A. To encourage the effective use of signs as a means of communications within the city;
- B. To maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth;
- C. To improve pedestrian and vehicular traffic and safety;
- D. To minimize the possible adverse effect of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign restrictions.

This sign ordinance is adopted under the zoning authority of the city of Batesville in furtherance of the more general purposes set forth in the zoning ordinance.

14.14.02 Applicability and effect

A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

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<sup>102</sup> Except as otherwise noted, this entire Chapter was adopted by Ordinance Number 06-3-1. Additional provisions having a bearing on the location of signs are found in Chapter 8.32 of this Code [Ordinance 894]

- A. To regulate the use of signs according to the zoning classification in which it is located, by establishing a system to allow a variety of types of signs in other zones, subject to the standards and the permit procedures of this ordinance;
- B. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- C. To prohibit all signs not expressly permitted by this ordinance; and
- D. To provide for the enforcement of the provisions of this ordinance.
- E. This Chapter does not regulate the copy or message of signs.<sup>103</sup>

14.14.03. Definitions and interpretation

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinances of the city shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in Sections 14.14.08 and 14.14.09 of this Chapter. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Abandoned sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Alteration. To replace, exchange, reconstruct, renovate, move, relocate, animate, enlarge or decrease in size.

Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

Billboard sign. A permanent sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only a minor or incidental activity upon the premises where the sign is displayed.

Building marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze, wood, or other permanent material.

Building sign. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a “time and temperature” portion of a sign and not changeable copy sign for purposes of this ordinance.

City. All references to city shall mean Batesville, Arkansas.

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<sup>103</sup> Ordinance Number 2016-05-01

Clearance (of a sign). The smallest vertical distance between the grade and the lowest point of any sign, including framework and embellishments, extended over that grade.

Code Enforcement Officer. The Code Enforcement Officer of the city of Batesville or his or her designee.

Commercial message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction sign. A temporary sign identifying an architect, contractor, subcontractor, lender, and/or material supplier participating in construction on the property on which the sign is located.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, including those used as a symbol of a government, political subdivision, or other entity.<sup>104</sup>

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure.

Height (of a sign). The vertical distance measured from the highest point of the sign, including decorative embellishments, to the crown of the adjacent street nearest the principal entrance to the zone lot.

Identification signs. A sign allowing only the address and name of occupant and not to exceed two (2) square feet.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Business name and logo allowed.

Lot. Any piece of parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument or record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy design or structure of the sign.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee sign. Any sign attached to, in any manner, or made a part of a marquee.

Monument sign. A sign mounted directly on the ground or mounted on a low base.

Nonconforming sign. Any sign that which was erected legally but which does not subsequently comply with the restrictions and regulations of this ordinance.<sup>105</sup>

Off-Site sign. A permanent sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only a minor or incidental activity upon the premises where the sign is displayed.

Other sign. Any sign under 3’ x 5’ in size and non-electrical.

One-time event. Any activity or event which does not occur on a continuous basis. Such events may include yard sales, festivals, political elections, bazaars, special religious services or similar activities.<sup>106</sup>

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign. Any sign which is permanently affixed to the ground or to a structure or building.

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<sup>104</sup> Ordinance Number 2016-05-01 added the words "including those"

<sup>105</sup> See also Section 8.32.03

<sup>106</sup> Ordinance Number 2016-05-01

Person. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designated to be transported by means of wheels; signs converted to “A” or “T” frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Principal building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign affixed to a building or wall in such a manner that is not parallel to the building.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance. Sign not to exceed 4’ x 8’ or thirty two (32) square foot surface space.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Scenic corridor. A public right-of-way which, in the opinion of the Planning Commission, exhibits special aesthetic and visual characteristics worthy of protection through enhanced billboard and off-site signage regulation.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Snipe sign. A temporary sign or poster affixed to a utility pole, tree, fence, etc.

Street. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street frontage. The distance for which a lot line of a zone lot adjoins a public street, from on lot line intersecting said street to the furthest distant lot line intersecting the same street.

Temporary sign. Any sign that is used only temporarily and is not permanently mounted.

Wall sign. Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign shall not project above the top of the wall or beyond the end of the building on which it is mounted.

Window sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed on the exterior of a window or upon the exterior of windowpanes or glass. Does not include any sign, picture, symbol, or combination thereof applied to the interior of the windowpanes or glass.



Zone lot. A parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

14.14.04. Sign permits - generally

- A. Generally. It shall be unlawful for any person to erect, alter, relocate or keep within the city of Batesville, Arkansas, any sign or other advertising structure as defined in this ordinance, except as exempted under Table One without first obtaining a sign permit from the Code Enforcement Officer and paying any required fee. All illuminations of signs shall, in addition, be subject to obtaining a permit and maintaining the provisions of the applicable electrical code.
- B. Application for sign permit. Applications for sign permits shall be made upon forms provided by the Code Enforcement Officer and shall contain or have attached thereto the following information:
1. Name, address, and telephone number of the applicant.
  2. Location of building, structure, or lot to which or upon which the sign(s) or other advertising structure(s) is/are to be attached or erected.
  3. Position of all signs or other advertising structure in relation to nearby buildings or structures. Line-of-sight drawings may be required to insure the proposed sign does not interfere with or obstruct vehicular or pedestrian vision.
  4. Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground for all signs on the zone lot.
  5. Name of person, firm, corporation or association erecting the structure.
  6. Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
  7. Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign shall accompany sign application.
  8. Such other information as the Code Enforcement Officer may require showing full compliance with city ordinance.
- C. Issuance of sign permit. It shall be the duty of the Code Enforcement Officer, upon the filing of an application for a sign requiring a permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. Within five (5) business days of receiving an application for a sign permit, the Code Enforcement Officer shall review it for completeness. If the Code Enforcement Officer finds that it is complete, the application shall then be processed. If the Code Enforcement Officer finds that it is incomplete, the Code Enforcement Officer shall, within such five (5) business day period, send the applicant a notice of the specific ways in which the application is deficient with the applicable section of this ordinance. No work on the proposed sign may begin until all required information is complete and approved by the Code Enforcement Officer and the necessary permit issued. If the work authorized under the permit has not been completed within six (6) months after the date of issuance, the said permit shall become null and void and any fee(s) associated with the permit received by the city shall be forfeited.
- Upon issuance of the permit by the Code Enforcement Officer, no further permit or renewal of permit for that particular sign is required, unless and until there is a change in the size or shape of the sign.
- D. Fees. Each application for a sign permit shall be accompanied by the applicable fees.

14.14.05. Permits to construct or modify signs

Signs indicated as “P” on Table One shall be erected, installed, created or modified only in accordance with a duly issued and valid sign construction permit from the Code Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

14.14.06. Time of compliance: non-conforming signs and signs without permits

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a Freestanding Sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of nonconforming sign, to bring it into conformity with the requirements of this ordinance.

- A. Signs requiring permits existing on effective date. For any Permanent sign existing in the city on the effective date of this Code ordinance no permit is required. However, any nonconforming permanent sign shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing sign is allowed.

For all signs other than permanent signs existing in the city on the effective date of this ordinance no permit is required. However, any non-conforming sign in this category shall be brought into compliance within one hundred twenty (120) days.

For any existing permanent sign on property annexed at a later date, no permit is required. However, any nonconforming permanent sign shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing sign is allowed.

For all signs other than permanent signs on property annexed at a later date, no permit is required. However, any nonconforming sign in this category shall be brought into compliance within one hundred twenty (120) days.

- B. Nonconforming existing signs, permits and terms. A permanent sign that would be permitted under this ordinance only with a sign permit, but which was in existence as of the effective date of this ordinance, or on a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be considered a non-conforming sign.

Such non-conforming sign(s), meeting the definition of a permanent sign which was made non-conforming by the adoption of this ordinance, shall be brought into compliance should any of the following occur: (1) structural alteration, (2) change in size, (3) change in shape, or (4) change in location. A change in the information of the face of an existing nonconforming sign is allowed.

For all non-conforming sign(s) other than permanent signs existing in the city on the effective date of this ordinance, or on a later date when the property is annexed to the city, shall be brought into compliance within one hundred twenty (120) days.

- C. Sign removal required. A sign that was constructed, painted, installed, or maintained prior to the date of this ordinance, but for which the required time frame for compliance has lapsed shall be forthwith removed. If such sign is not removed by its owner, the Code Enforcement Officer may direct the city to remove the sign in accordance with A.C.A. §14-54-904. The expense for such removal by the city shall constitute a valid lien upon the subject real property.

- D. Option to appeal. Any owner of a nonconforming sign may request consideration for waiver(s) or variance(s) from the City Planning Commission in writing.

14.14.07. Violations and penalties

- A. Any of the following shall be a violation of this ordinance:
1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
  2. To install, create, or maintain any sign requiring a permit without such a permit; or,
  3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign ordinance has lapsed.
- B. Penalties for violations of these regulations shall be punishable as provided in Chapter 7.04 of the Batesville city code.

14.14.08. Computations – on-site signs that are freestanding/permanent

The following principles shall control the computation of sign area and sign height as described in Table One.

- A. Computation of sign height. The height of a sign shall be computed as the distance from the grade level of the roadway to which the sign is oriented to the top of the framing along the sign face. The maximum sign height for zones T-1, C-1, I-1, and I-2 is fifty (50) feet for on-site signs.<sup>107</sup>
- B. Computation of sign area. The maximum sign area for a single on-site sign that is permanently attached and freestanding is three hundred (300) square feet, except that multiple businesses advertising on the same sign shall add a maximum of forty (40) square feet for each tenant. In any event, the maximum sign area for multiple businesses on the same sign shall not exceed six hundred twenty five (625) square feet.

14.14.09. Computations of off-site signs

- A. Computation of sign height. The height of an off-site sign shall be computed as the distance from the grade level of the roadway to which the sign is oriented to the top of the framing along the sign face. The maximum sign height for off-site signs is fifty (50) feet.
- B. Computation of sign area. The maximum sign area for a single-level, off-site sign is three hundred (300) square feet. The maximum sign area for a double-stacked off-site sign is two hundred forty (240) square feet for a total combined square footage of four hundred eighty (480) square feet. When off-site signs are double-stacked, each board face shall replicate the exact length, height, and shape of its adjoining board.

14.14.10. Signs allowed on private property with and without permits

Signs shall be allowed on private property in the city in accordance with, and only in accordance with Table One. If the “A” appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by the column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

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<sup>107</sup> Zoning classifications in Ordinance 06-3-1 erroneously referred to designations used prior to the passage of Ordinance Number 2001-6-1; C-1 changed to T-1, C-2 changed to C-1, and C-3 changed to C-2.

14.14.11. Temporary and portable signs

- A. Temporary signs Temporary signs shall be subject to the following requirements:
1. Duration. A temporary sign shall be allowed for a ninety (90) day period within any continuous one hundred eighty (180) day period.
  2. Number. Only two (2) temporary signs may be placed by the same business entity on the same zone lot at any one time.
- B. Individual temporary signs for one-time events are allowed without permit in any zone.<sup>108</sup>

14.14.12. Design, construction and maintenance

- A. All signs shall be designed, constructed, and maintained in accordance with applicable provisions of the State Fire Code and Electrical Code of the city at all times.
- B. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs, other than temporary signs, shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

14.14.13. Off-site signs (includes, but is not limited to, billboard signs)

- A. An off-site sign which was in existence as of the effective date of this ordinance, or on a later date when the property is annex to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its location is not in conformance with the requirements of this ordinance, shall be considered a grandfathered off-site sign under this ordinance.
- B. In addition to the sign area and height maximums set forth in the sections above, the following provisions apply to all off-site signs:
1. Allowed only along state or federal highways;
  2. Located in C-1 zones only;
  3. Located a minimum of four hundred fifty (450) feet of any other off-site sign;
  4. No off-site sign shall be located within two hundred fifty (250) feet of a line drawn perpendicular to the right-of-way from another billboard on the opposite side of the highway;
  5. Sign faces shall be supported by a maximum of two (2) structural steel or other durable metal columns;
  6. The face, column, and foundation of the sign shall be designed to withstand a seventy (70) mile an hour wind acting against the full face of the sign.

14.14.14. Common Signage Plan

- A. No permit shall be issued for an individual sign requiring a permit unless and until a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Code Enforcement Officer and approved by the Code Enforcement Officer as conforming to this section.

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<sup>108</sup> Ordinance Number 2016-05-01

- B. Common Signage Plan. The owner of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one tenant in the same building (not including any accessory building) shall file with the Code Enforcement Officer for such zone lots a Common Signage Plan conforming with the provisions of this section.
- C. Provision of Common Signage Plan. The Common Signage Plan shall contain all of the information required for exhibiting a plan that specifies standards for consistency among all signs on the zone lots affected by the Plan with regard to:
  - 1. Color Scheme;
  - 2. Lettering or graphic style;
  - 3. Lighting;
  - 4. Location of each sign on the building;
  - 5. Material; and
  - 6. Sign proportions.
- D. Limit on number of freestanding signs under Common Signage Plan. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding to a total of two (2) sign stems; one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs. Maximum sign area requirements detailed in the section above applies.
- E. Other provision of Common Signage Plan. The Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonable determine.
- F. Consent. The master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Code Enforcement Officer shall require.
- G. Procedures. A master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
- H. Amendment. A master or Common Signage Plan may be amended by filing a new master or Common Signage Plan that conforms with all requirements of the ordinance then in effect.
- I. Existing signs not conforming to Common Signage Plan. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within five (5) years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.
- J. Binding effect. After approval of a Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

14.14.15. Setback requirements

- A. Front Setback. No sign shall be located in the public right-of-way, except as specifically allowed in this ordinance. Any monument sign located within twelve (12) feet of the back of the curb, edge of roadway pavement or edge of graded roadway shall not exceed forty-two (42) inches in height to the top of the sign including the base. Any freestanding sign located within twelve (12) feet of the back of the curb, edge of roadway pavement or edge of graded roadway shall have a minimum clearance or distance of ten (10) feet to the bottom of the lowest point on the sign.

- B. Side setback. All signs shall be set back a minimum of ten (10) feet from the nearest side property line.
- C. Exceptions. The setback requirements of this section shall not apply to wall signs which otherwise conform to all provisions of this ordinance and which are mounted on building walls lawfully sited within the setback space.

14.14.16. Signs in the public right-of-way <sup>109</sup>

No signs shall be allowed in the public right-of-way, except:

- A. Permanent signs, including:
  1. Public signs erected by or on behalf of a governmental body to post legal notices, identify property (including house, building or lot number), convey public information, and direct or regulate pedestrian or vehicular traffic;
  2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
  3. Awning, projecting, and suspending signs projecting over a public right-of-way in conformity with the conditions of TABLE ONE of this Chapter.
- B. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- C. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- D. Time of Compliance. Sign(s) located in the public right-of-way as of the date of the adoption of this ordinance may remain in place and be maintained for a period ending no later than December 31, 2006.

14.14.17. Use of a vehicle as a sign

It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this ordinance.

14.14.18. Signs exempt from regulation under this ordinance

The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by valid and applicable federal, state, or local law, regulation or ordinance;
- B. Any sign inside a building or attached to the inside of a window or door;
- C. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

14.14.19. Signs prohibited under this ordinance

All signs not expressly permitted under this ordinance or exempt for regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

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<sup>109</sup> See also Section 8.32.05

- A. Pennants that are weathered, wind torn, or otherwise tattered;
- B. Snipe signs

14.14.20. Abandoned signs

All abandoned signs not maintained by the owner after due notice from the Code Enforcement Officer may be removed by the city. Upon completion of the work, the city shall file and have a lien upon the real property for the cost of removing the sign.

14.14.21. Enforcement and remedies

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or any other appropriate proceeding or remedy provided by City Code Section 2005-11-1. In addition, but not limited to, the remedy of the city shall include:

- A. Issuing a stop-work order for any and all work on any signs on the same zone lot;
- B. In the case of a sign that poses an immediate danger to the public health or safety, such signs are deemed to be a public nuisance and shall be removed by the owner upon notice from the city to remove within a stated time, and if the owner fails or refuses to remove the sign within the time specified, the city may remove the sign and charge the cost of removal to the owner or other responsible party.

14.14.22. Fee schedule

- A. Sign permit fee The fee for a sign permit approved by the Code Enforcement Officer and issued by the city of Batesville, Arkansas shall be the greater of:
  - 1. Twenty five (\$25.00) dollars, or
  - 2. An amount determined by multiplying the total cost of the sign including installation by Five Dollars (\$5.00) for each One Thousand Dollars (\$1,000.00) of the first Five Thousand Dollars (\$5,000.00) of the costs and One Dollar (\$1.00) for each One Thousand Dollars (\$1,000.00)of costs thereafter.
  - 3. Or such amounts(s) as may be established from time to time by the Batesville City Council.
- B. Sign inspection fee The fee for inspecting the site work and erection of a permitted sign shall be: Twenty-Five Dollars (\$25.00) per inspection.

14.14.23. Table One: Permitted Signs by Type and Zoning District

| Sign Type                      | R - 1 | R - 2 | HR - 1 | T - 1 | C - 1 | I - 1 | I - 2 | NUMBER ALLOWED |
|--------------------------------|-------|-------|--------|-------|-------|-------|-------|----------------|
| <b>Freestanding</b>            |       |       |        |       |       |       |       |                |
| Residential (footnote "a")     | A     | A     | A      | A     | A     | A     | A     | 1              |
| Commercial                     | N     | N     | N      | P     | P     | P     | P     | 2              |
| Other (footnote "g")           | N     | N     | N      | A     | A     | A     | A     | AS NEEDED      |
| Incidental (footnote "b")      | N     | N     | N      | A     | A     | A     | A     | AS NEEDED      |
| Identification (footnote "d")  | P     | P     | P      | P     | P     | P     | P     | 1              |
| <b>Building</b>                |       |       |        |       |       |       |       |                |
| Building Marker (footnote "c") | A     | A     | A      | A     | A     | A     | A     | 1              |
| Canopy                         | N     | N     | N      | P     | P     | P     | P     | ALL SIDES      |
| Identification (footnote "d")  | A     | A     | A      | A     | A     | A     | A     | AS NEEDED      |
| Incidental (footnote "b")      | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| Marquee (footnote "e")         | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| Projecting (footnote "e")      | N     | N     | N      | P     | P     | P     | P     | 2              |
| Residential (footnote "a")     | A     | A     | A      | N     | N     | N     | N     | AS NEEDED      |
| Roof                           | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| Roof Integral                  | N     | N     | N      | A     | A     | A     | A     | AS NEEDED      |
| Other                          | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| Wall                           | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| Window                         | N     | N     | N      | P     | P     | P     | P     | AS NEEDED      |
| <b>Miscellaneous</b>           |       |       |        |       |       |       |       |                |
| Temporary (footnote "f")       | A     | A     | A      | A     | A     | A     | A     | 3              |
| Banner (footnote "f")          | N     | N     | N      | P     | P     | P     | P     | 2              |
| Portable (footnote "f")        | N     | N     | N      | P     | P     | P     | P     | 2              |
| Inflatable                     | N     | N     | N      | P     | P     | P     | P     | 1              |
| Flag                           | A     | A     | A      | A     | A     | A     | A     | UNLIMITED      |

A = Allowed without Sign Permit      P = Allowed with Sign Permit      N = Not Allowed

- a. No commercial message on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign (business name and logo permitted) if such message is legible from any location off the zone lot on which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign. Not to exceed two (2) square feet.
- e. If such sign is suspended or projects above a public right-of-way, the issuance of a sign permit is required. Permit shall be conditioned on the sign owner obtaining and maintain in force liability insurance for such a sign in such form and such amount as the Code Enforcement Officer may reasonably from time to time determine.
- f. A Temporary Sign may remain in place for a maximum of ninety (90) days within any continuous one hundred and eighty (180) day period.
- g. Under 3' x 5' in size and non-electrical.



CHAPTER 14.20  
BUILDING SET BACK LINES

Sections:

- 14.20.01 Purpose
- 14.20.02 Definitions
- 14.20.03 Building line setback plan and map adopted
- 14.20.04 Restrictions on issuing building permit
- 14.20.05 Penalty for violation

14.20.01 Purpose.

The purpose of this chapter is in furtherance of and to achieve a planned street pattern, and to ensure that buildings will not be erected too near, or in the bed of projected streets or potential street widenings. (Ord. No. 683, Sec. 1)

14.20.02. Definitions.

- (a) A setback line is that line parallel to the front property line in front of which no structure shall be built;
- (b) A highway or street right-of-way line is that line which indicates the right-of-way boundary of said highway or street. (Ord. No. 683, Sec. 3)

14.20.03. Building line setback plan and map adopted.

The building line setback plan and map of date March 7, 1961, duly certified and filed with the clerk/treasurer by the Batesville Planning Commission on October 6, 1961, be and the same is hereby adopted; and a standard setback of forty (40) feet from highway or street right-of-way is hereby established. Such building line setback map indicates those streets on which the setbacks are established. (Ord. No. 683, Sec. 4)

14.20.04. Restrictions on issuing building permit.

Hereafter no building permit shall be issued to any person, firm or corporation or other owner of land bordering on any street to construct, erect, reconstruct or alter any building closer to the right-of-way designated by the setback lines herein established, together with any amendments or additions thereto adopted by the city council. (Ord. No. 683, Sec. 5)

14.20.05. Penalty for violation.

Any person, firm or corporation violating the provisions of this chapter, or who shall fail to comply with any order made thereunder, or who shall continue to work upon any structure after having received notice from the administrative official to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed One Hundred (\$100.00) Dollars for each offense; and each day such violation shall be permitted to exist shall constitute a separate offense. (Ord. No. 683, Sec. 6)

CHAPTER 14.28  
MOBILE HOMES <sup>110</sup>

Sections:

- 14.28.01 Restricted
- 14.28.02. Definitions
- 14.28.03. Regulations
- 14.28.04. Storage
- 14.28.05. Penalty

14.28.01. Restricted.

That it shall be unlawful for any person, firm, corporation or other entity to park a mobile home within the city of Batesville, Arkansas for residential purposes except as hereinafter provided in this chapter. (Ord. No. 995, Sec. 1)

14.28.02. Definitions.

In the construction of this chapter, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. MOBILE HOME - Means a single-family living unit designed for transportation after fabrication on streets and highways on its own wheels, or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a living unit complete and ready for occupancy, except for main and incidental unpacking and assembly operations, located on jacks or permanent foundation, connected to utilities and erected in accordance with prevailing city laws.
- B. MOBILE HOME PARK - Means a parcel of land upon which two (2) or more mobile homes are harbored either free of charge or for revenue and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the site. (Ord. No. 955, Sec. 2)

14.28.03. Regulations.

Mobile homes for residential purposes may be parked only in Mobile Home Parks. A mobile home park may be located only in R-2 and R-3 zones. The minimum area for a mobile home park shall be five (5) acres. A mobile home park shall have a minimum of five (5) mobile home spaces. The park shall be located on a well drained site, property graded to insure rapid drainage and freedom from stagnant pools of water. Each mobile home space shall have a minimum of thirty-six hundred (3,600) square feet. A mobile home space shall be a least forty (40) feet in width. A mobile home space shall have yard setbacks of no less than seven and one-half (7 1/2) feet on all sides. A mobile home space shall have two (2) off-street parking spaces, each nine (9) feet by twenty (20) feet. All mobile home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. Each mobile home space shall be provided with sanitary sewer and water service in a manner which meets the city sewer and water codes. All mobile home parks shall be screened around the perimeter by a six (6) foot, side-obscuring screen of permanent, year-round fencing and landscaping. (Ord. No. 995, Sec. 3)

14.28.04. Storage.

A camping or recreational trailer or mobile home not exceeding twenty-one (21) feet in length may be stored in

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<sup>110</sup> This entire section superseded by Ordinance 999, which provided a new definition of mobile home and standards for a mobile home park.

the rear yard on any lot, provided that no living quarters shall be maintained or business conducted in connection therewith while such trailer or mobile home is so parked or stored. (Ord. No. 995, Sec. 4)

14.28.05. Penalty.

Any person, firm, corporation or other entity who shall violate any of the provisions of this chapter shall, upon conviction therefore, be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed One Hundred Dollars (\$100.00), with each and every day that such violation continues to exist constituting a separate offense. However, said criminal penalties shall not be the exclusive remedy available to the city to compel compliance with this chapter, the city retaining all other methods of enforcement available to it including any type of injunctive relief or other civil remedies lawfully available to it. (Ord. No. 995, Sec. 5)

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