

# ***CITY OF BROOKLAND***

## **ZONING CODE**

Adopted by the Brookland City Council  
Ordinance #2025-26, December 9, 2025

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## **ARTICLE I. CITATION, PURPOSE, NATURE AND APPLICATION**

### ***Section 1.01.0. Citation***

This Code shall be known as the Zoning Code of the City of Brookland and may be cited as such or, for the sake of brevity, as the “Zoning Code.”

### ***Section 1.02.0. Purpose***

These zoning regulations are enacted to implement the Comprehensive Plan for the City of Brookland and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Brookland, Arkansas; and to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of building, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

### ***Section 1.03.0. Authority***

The provisions contained in the Zoning Code are adopted pursuant to the authority conferred on the City by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

### ***Section 1.04.0. Jurisdiction***

These regulations apply only within the corporate limits of the City of Brookland.

### ***Section 1.05.0. Validity and Repeal***

#### ***1.05.1. Validity***

The following statements pertain to the validity of this Code:

- A. This Zoning Code and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the Zoning Code shall not be affected thereby.
- B. The City Council of the City of Brookland hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

#### ***1.05.2. Repeal***

All or parts of ordinances in conflict with this Zoning Code or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by ordinances of the City Council of the City of Brookland, Arkansas.

## **ARTICLE II. APPLICATIONS AND APPEALS**

### ***Section 2.01.0. Applications***

In order to obtain zoning changes and certain permits, an applicant must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found as listed below.

|                        |                 |
|------------------------|-----------------|
| Rezoning               | Section 13.01.0 |
| Variance               | Section 15.05.0 |
| Conditional Use Permit | Section 14.02.0 |
| Sign Permit            | Section 10.02.0 |
| Fence Permit           | Section 9.14.0  |

Applicants should obtain the forms and directions for all applications at City Hall. The Administrative Official will maintain a calendar showing the required date for all applications.

### ***Section 2.02.0. Public Hearings***

#### ***2.02.1. Public Hearings***

Public hearings shall be held for all rezoning requests, Planning Commission decision appeals conditional use permits, Board of Adjustment meetings, revisions to the Comprehensive Plan, and revisions to the Zoning Code.

#### ***2.02.2. Amendments***

Comprehensive/Future Land Use Plan amendments, rezonings, and conditional use permits require an advertised notice of public hearing to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting.

#### ***2.02.3. Board of Adjustment***

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised seven (7) days prior to the hearing.

#### ***2.02.4. Meetings***

The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

### ***Section 2.03.0. Appeals***

#### ***2.03.1. Appeals from the decisions of the Planning Commission***

Any person aggrieved by a decision of the Planning Commission in interpreting any section of these zoning regulations may make an appeal to City Council.

- A. Notice of Appeal: Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed by the applicant or any other interested party with the Administrative Official within thirty (30) days of the decision together with an appeal fee.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

1. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
2. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
3. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's decision were reversed.
4. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Upon receipt of the notice of appeal and appeal fee, the Administrative Official shall promptly forward the notice of appeal to the City Clerk together with any appropriate staff reports and the decision of the Planning Commission from which the appeal is made.

- B. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least fifteen (15) days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. Said sign should be placed on the site no fewer than fifteen (15) days prior to the date of the hearing.

- C. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official on behalf of the Planning Commission setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council shall remand the case back to the Planning Commission for reconsideration. For rezoning requests and conditional use requests, such reconsideration shall require a new public hearing.

The City Council may affirm, reverse, or modify the decision of the Planning Commission. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

- D. Conditions: The City Council may only impose such conditions to its approval as may be necessary to conform to the City's Zoning Code and building regulations.

***2.03.2. Appeals from the decisions of the Board of Adjustment***

Appeals from the decision of the Board of Adjustment shall be made directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

***2.03.3. Appeals from the decisions of the Administrative Official***

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment.

***Section 2.04.0. Expirations, Extensions, and Reinstatements***

Planning Commission and City Council approvals covered by the Zoning Code shall be subject to the following expiration requirements.

- A. Rezoning: No expiration.
- B. Conditional Use: No expiration unless placed as a condition of approval by the applicant, Planning Commission, or City Council.
- C. Variance: Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire six (6) months if not begun.

Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

***Section 2.05.0. Fees***

The City of Brookland shall impose fees for items covered by the Zoning Code according to a schedule adopted by the City Council.

## **ARTICLE III. ADMINISTRATION AND ENFORCEMENT**

### ***Section 3.01.0. Administrative Official***

The provisions of this Code shall be administered by the Administrative Official, which shall be a person or persons designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as directed by the Mayor.

The Administrative Official shall enforce the provisions of this Code, and in addition thereto shall:

- A.     Application Review and Approval: Examine and approve applications pertaining to the use of land, buildings, signs, or structures to determine if the application conforms with the provisions of this Code. The Administrative Official shall be responsible for issuing notices of approval or denial. Approval authority shall rest with the Administrative Official where not otherwise designated to the City Council, Planning Commission, or other committee created by the Planning Commission.
- B.     Permits and Certificates of Occupancy: Issue or deny building permits and certificates of occupancy based upon compliance with this Code and other applicable codes. Written notice stating the reasons for denial will be provided with any building permit or certificate of occupancy that is denied.
- C.     Records: Make and keep permanent records of actions taken. This shall include the issuance and denial of all building permits and certificates of occupancy, issuance of any approval or denials by the Administrative Official, actions and decisions of the planning commission and its committees, and records of violations and enforcement actions.
- D.     Inspections: Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.
- E.     Enforcement: Enforce these regulations and take all necessary steps to remedy any condition found in violation.

### ***Section 3.02.0. Building Code***

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code as well as applicable HVAC, Plumbing, Electrical, Energy, or other codes.

### ***Section 3.03.0. Building Permit***

The City will issue a building permit for either the new construction or renovation of a building or structure within the corporate limits of the City of Brookland only when the application has been approved by the Administrative Official as meeting the requirements of these regulations. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating the setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be

necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed in the Brookland City Hall.

#### ***Section 3.04.0. Certificate of Occupancy***

No building erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Administrative Official, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. The Brookland City Hall shall maintain a record of all Certificates of Occupancy.

A Certificate of Occupancy may be revoked by the Administrative Official when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offence and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

#### ***Section 3.05.0. Violations and Penalty***

##### ***3.05.1. Enforcement Responsibilities***

- A. If the Administrative Official shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violations fail to take the necessary action to correct it, the Administrative Official shall notify the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Administrative Official. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

##### ***3.05.2. Penalty for Violation***

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed 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 separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of these regulations shall be placed, or shall exist; and any architect, builder, contractor, agent, engineer, person or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.



## **ARTICLE IV. GENERAL PROVISIONS**

### ***Section 4.01.0. Zoning Districts Established***

For the purpose of these regulations, the City is hereby divided into land use zoning districts, as follows:

- R-1      Low Density Residential
- R-2      Medium Density Residential
- R-3      Apartment Residential
- R-MH    Manufactured Home Residential
- A-1      Agricultural/Rural Residential
- C-1      Downtown Commercial
- C-2      General Commercial
- CMU     Mixed-Use Commercial
- I-1      Industrial

### ***Section 4.02.0. Zoning Districts Map***

The location and boundaries of the land use zoning districts established by this Code are bounded and defined as shown on the map designated as “Official Zoning Map” and maintained in City Hall. The map, together with the legend, words, figures, symbols, dimensions, and explanatory material on it, is declared to be a part of this Zoning Code and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be available for inspection and examination by the general public at all reasonable times as any other public record. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk.

### ***Section 4.03.0. Interpretation of District Boundaries***

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A.      Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- B.      Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C.      Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D.      Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- E. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be interpreted as such.
- F. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

#### ***Section 4.04.0. Relationship to Land Use Plan***

Zoning designations changed after the adoption of these regulations shall conform to the City's adopted land use plan. If a proposed rezoning conflicts with the land use plan, the applicant must first request an amendment to the land use plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

#### ***Section 4.05.0. Vacation of Public Easements***

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

#### ***Section 4.06.0. Determination of Uses Not Listed***

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use is substantially similar in its character and external impacts to the already listed permitted and conditional uses. If the use can be determined to be substantially similar in its character and external impacts, it may be treated as a conditional use. If the use is not listed as permitted, and cannot be determined to be substantially similar in its character and external impacts, it shall be considered prohibited.

#### ***Section 4.07.0. Completion of Existing Buildings***

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

Nothing in these regulations shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of these regulations, provided construction is started before the expiration of the building permit.

For lands annexed into the City of Brookland after December 14, 2020 nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction. This shall also apply to any building, not yet under construction, for which valid county approval exists that was issued by Craighead County.

#### ***Section 4.08.0. Preservation of Minimum Lot Areas***

Unless by a variance, no lot or yard area, or other open space, or off-street parking or loading space required may be reduced in dimension or area below the minimum requirements of the Zoning Code. No lot or division of property shall be approved that will result in a lot size or yard area reduced below the minimum requirements of this Code.

#### ***Section 4.09.0. Principal Structure on Lots***

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

Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for independent occupancy from the principal structure shall be considered an accessory dwelling unit.

#### ***Section 4.10.0. Lots of Record***

Any single lot or platted parcel of land, which was officially recorded prior to adoption of these regulations, 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 without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

Any single lot or platted parcel of land which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements for the zoning district in which it is located, may be utilized for a permitted use without approval of the Board of Adjustment. The required yards, courts, or usable open spaces shall not be reduced to less than seventy-five (75) percent of the dimensions required in the zoning district.

#### ***Section 4.11.0. Annexed Lands***

##### ***4.11.1. Boundaries***

The boundary line of a land area proposed for annexation to the City of Brookland shall be drawn in such a manner as to include the entire width of any adjacent or contiguous public rights-of-way or easements, in contrast to a location of the centerline or along the interior side of the right-of-way or easement.

##### ***4.11.2. Classification of Annexed Lands***

The zoning district classification(s) of any new additions and annexations of land to the City of Brookland after adoption of these regulations shall be established in one of two ways;

- A. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 13.01.0 shall be followed.
- B. In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as R-1 Low Density Residential and subject to the requirements of that classification upon the effective date of said annexation. Unless the R-1 designation conforms with the projected land use for the property on the City's Land Use Plan, such classification shall only 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 of time, the City Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with any applicable plans adopted by the City of Brookland. The procedures governing amendments to the Zoning Districts Map at Section 13.01.0 shall be followed.

## **ARTICLE V. RESIDENTIAL DISTRICTS**

### ***Section 5.01.0. Purpose of Each District***

#### ***5.01.1. Low Density Residential (R-1)***

The R-1 District is intended to provide for quiet, low density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

#### ***5.01.2. Medium Density Residential (R-2)***

This is a residential district of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a slightly higher population density than permitted in the R-1 District. The principal uses of land are for single-family and two-family homes, all supported by necessary religious, educational, institutional, and recreational facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

#### ***5.01.3. Apartment Residential (R-3)***

The R-3 District provides for quiet, medium to high density residential areas characterized by a diversity of housing types. This district includes development ranging in density from single-family homes to large scale apartment complexes. It is intended to allow and encourage affordable housing and housing choice through a diversity of housing options.

#### ***5.01.4. Manufactured Home Residential (R-MH)***

This district encourages affordable housing of varied types in specified locations within the City. The district is characterized by site-built housing and manufactured homes placed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. This district is also intended to provide for manufactured home subdivisions as well as manufactured home parks.

### ***Section 5.02.0. Permitted Uses.***

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use per the requirements of Article XIV.

“X” means that the use is prohibited.

## RESIDENTIAL DISTRICTS

| <b>Permitted Uses</b>  | <b>R-1</b>     | <b>R-2</b>     | <b>R-3</b>     | <b>R-MH</b>    | <b>Special Conditions</b> |
|--|----------------|----------------|----------------|----------------|---------------------------|
| <b>A. Residential</b>  |                |                |                |                |                           |
| Accessory Buildings and Uses   | P              | P              | P              | P              | 9.01.0                    |
| Accessory Dwelling Unit <sup>1</sup>   | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | 9.01.2                    |
| Single-Family Dwelling   | P              | CU             | CU             | CU             | 5.07.0                    |
| Two-Family Dwelling  | X              | P              | CU             | X              | 5.07.0                    |
| Three/Four-Family Dwelling   | X              | P              | P              | X              | 5.07.0                    |
| Apartment Dwelling   | X              | X              | P              | X              | 5.07.0                    |
| Mobile Home  | X              | X              | X              | X              |                           |
| Manufactured Home  | X              | X              | X              | P              | 5.07.0                    |
| Manufactured Home Park   | X              | X              | X              | CU             | 9.09.0                    |
| Manufactured Home Subdivision  | X              | X              | X              | P              |                           |
| Townhouse  | X              | P              | P              | X              | 5.07.0                    |
| <b>B. Commercial</b>   |                |                |                |                |                           |
| Bed & Breakfast  | X              | CU             | CU             | X              |                           |
| Child Care, Home Day Care  | P              | P              | P              | P              | 9.04.0                    |
| Child Care Center/Adult Daycare  | X              | X              | CU             | X              | 9.03.0                    |
| Home Occupation  | P              | P              | P              | P              | 9.08.0                    |
| <b>C. Community Facilities and Public Utilities</b>  |                |                |                |                |                           |
| Church or other place of worship   | P              | P              | P              | P              |                           |
| Club or lodge, private   | CU             | CU             | CU             | CU             |                           |
| Community building, public   | CU             | CU             | CU             | CU             |                           |
| Public Utilities   | P              | P              | P              | P              |                           |
| Establishment for care of alcoholic, drug or psychiatric patients                                  | X              | X              | X              | X              |                           |
| Golf course, but not including commercially operated driving range or miniature golf course        | CU             | CU             | CU             | CU             |                           |
| Hospital, health center, institution for aged or children, and extensions or additions to existing | X              | CU             | CU             | X              |                           |
| Library  | CU             | P              | P              | CU             |                           |
| Nursing, convalescent or rest home and extensions or additions to existing                         | X              | CU             | CU             | X              |                           |
| Park or playground   | P              | P              | P              | P              |                           |

| <b>Permitted Uses</b>  | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> | <b>R-MH</b> | <b>Special Conditions</b> |
|--|------------|------------|------------|-------------|---------------------------|
| School, public, parochial, or private non-profit   | CU         | CU         | CU         | CU          |                           |
| Wireless Communication Facility  | CU         | CU         | P          | CU          |                           |
| <b>D. Agricultural</b>   |            |            |            |             |                           |
| Animal husbandry, dairying, and pasturage  | CU         | X          | X          | CU          |                           |
| Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises | CU         | CU         | CU         | CU          |                           |
| <b>E. Other</b>  |            |            |            |             |                           |
| Other similar uses, not specifically enumerated above  | CU         | CU         | CU         | CU          |                           |

<sup>1</sup> ADUs are only permitted in conjunction with an existing detached single-family dwelling of greater square footage (Sec. 9.01.2)

#### **Section 5.03.0. Special Prohibited Uses**

- A. Travel trailers or motor homes, buses, trucks two (2) tons and over, and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis. Such vehicles and trailers shall not be occupied on permanent basis as a place of residence. A permanent basis is defined as greater than 2 weeks.
- B. Accessory buildings, as defined in this Code, shall not be permitted in the front yards.

#### **Section 5.04.0. Lot, Yard and Height Requirements**

Every principal permitted use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

#### **RESIDENTIAL LOT, YARD & HEIGHT REQUIREMENTS**

| <b>Zoning District</b> | <b>Minimum Lot Area</b>  | <b>Minimum Lot Width</b>                     | <b>Setback Requirements</b> |                         |                                |             | <b>Max. Height</b> |
|------------------------|--|--|-----------------------------|-------------------------|--------------------------------|-------------|--------------------|
|                        |  |  | <b>Front</b>                | <b>Side<sup>2</sup></b> | <b>Side-Street<sup>2</sup></b> | <b>Rear</b> | <b>Feet</b>        |
| R-1                    | Single-Family: 6,000 sq. ft.   | Single-Family: 60 ft.                        | 30 ft.                      | 12 ft.                  | 25 ft.                         | 12 ft.      | 36 ft.             |
| R-2                    | Single-Family: 6,000 sq. ft.;<br>Two-Family: 9,000 sq. ft.                                 | Single-Family: 60 ft.;<br>Two-Family: 60 ft. | 30 ft.                      | 12 ft.                  | 25 ft.                         | 12 ft.      | 36 ft.             |
| R-3                    | Multi-Family: 12,000 sq. ft.<br>plus 2,000 for each<br>additional unit over 3 <sup>3</sup> | Multi-Family: 70 ft.                         | 30 ft.                      | 25 ft.                  | 25 ft.                         | 25 ft.      | 36 ft.             |

| Zoning District | Minimum Lot Area   | Minimum Lot Width      | Setback Requirements |                   |                          |        | Max. Height |
|-----------------|--|------------------------|----------------------|-------------------|--------------------------|--------|-------------|
|                 |  |                        | Front                | Side <sup>2</sup> | Side-Street <sup>2</sup> | Rear   | Feet        |
| R-MH            | Single-Family: 6,000 sq. ft.   | Single-Family: 60 ft.; | 30 ft.               | 12 ft.            | 25 ft.                   | 12 ft. | 36 ft.      |
| All R Districts | Places of Public Assembly, Places of Worship, Educational Facilities: 15,000 sq. ft. | 100 ft.                | 30 ft.               | 25 ft.            | 25 ft.                   | 25 ft. | 36 ft.      |

<sup>2</sup> Side setback is determined by measuring from the property line to the block line as laid out for the pre-lot inspection. Existing platted lots of record that do not meet the above requirements may be used subject to Sec. 4.10.0.

<sup>3</sup> Rear and side yards for lots with three (3) dwelling units or more shall be screened with a solid fence at least six (6) feet in height.

#### **Section 5.05.0. Signs**

Sign regulations for this district are handled in Article X.

#### **Section 5.06.0. Parking**

The parking regulations for this district are handled in Article XI.

#### **Section 5.07.0. Special Provisions Applying to all Residential Structures**

All dwellings in all districts shall be subject to the following standards:

- A. Dwellings shall be oriented such that the front door of the structure faces the street.
- B. If applicable, dwellings, shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission.
- C. Dwellings shall have a continuous underpinning around the perimeter of the structure.
- D. Single-Family dwellings moved into the City of Brookland shall be permitted and inspected under the Building Code.
- E. Manufactured homes moved into the City shall be new and under warranty or inspected by the City's Administrative Official prior to being moved on site (if located outside the city limits, inspection may be conducted by electronic means or through photos) to ensure the dwelling will be inhabitable in a safe manner based upon the following standards:
  1. All roofing material shall be secure without gaps or damaged shingles;
  2. All windows shall be operative without broken panes or damaged trim or screening;
  3. All exterior siding shall be in place and undamaged with no dents, tears, or burned sections;
  4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment in good working order;
  5. Any attached gutters shall be secure and functional;

6. All cornice materials shall be in place and undamaged;
  7. Paint shall be unblemished;
  8. Doors shall be plumb and fully operational;
  9. Flooring shall be structurally undamaged and secure.
- F. When a dwelling unit arrives on-site with transportation elements attached, including tongues, axles, and wheels used to transport Manufactured Housing, such transportation elements shall be removed as part of the set-up.



## ARTICLE VI. COMMERCIAL DISTRICTS

### ***Section 6.01.0. Purpose of Each District***

#### ***6.01.1. Downtown Commercial (C-1)***

The C-1 District is the designation for the historic center of the community. A variety of retail, wholesale, professional, and governmental functions have developed in the district over the lifetime of the City's history. The intent of the district is to encourage diverse uses and building forms that sustain the historic character of downtown Brookland. This district is intended to be used in or expanded to areas beyond Brookland's traditional downtown.

#### ***6.01.2. General Commercial (C-2)***

The C-2 District provides for appropriate locations for those commercial establishments, which are cohesive, attractive, and convenient for vehicular and pedestrian accessibility. Uses within this district serve the commercial needs of local traffic and highway traffic.

#### ***6.01.3. Mixed-Use Commercial (CMU)***

The C-MU District provides for vibrant mixed-use development intended to accommodate commercial, residential, and institutional uses within individual buildings or within multi-building areas. Development is intended to be walkable and similar to a downtown area.

#### ***6.01.4. Highway 49 Overlay District***

The Highway 49 Overlay District is intended to provide an attractive and pleasing gateway/entry into Brookland through the use of design controls and access management.

### ***Section 6.02.0. Permitted Uses***

The permitted uses in each of the commercial districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"P" means that the listed use is permitted by right in that district.

"CU" means that the listed use is conditionally permitted, subject to approval of the planning commission, pursuant to the conditional use procedures as set forth in Article XIV.

"X" means that the use is prohibited.

### **COMMERCIAL DISTRICTS**

| <b><i>PERMITTED USES</i></b>   | <b><i>C-1</i></b> | <b><i>C-2</i></b> | <b><i>CMU</i></b> | <b><i>Special Conditions</i></b> |
|--|-------------------|-------------------|-------------------|----------------------------------|
| Accessory Buildings and Uses   | P                 | P                 | P                 | 9.01.0                           |
| Adult Day Care   | P                 | P                 | P                 |                                  |
| Appliance sales and service  | P                 | P                 | P                 |                                  |
| Automotive accessory and supply store                                      | P                 | P                 | X                 |                                  |
| Automotive, boat, and truck sales, rental, and service                     | CU                | P                 | X                 |                                  |
| Automotive repair and service station                                      | X                 | P                 | X                 |                                  |
| Automotive car wash  | X                 | P                 | X                 |                                  |
| Automotive service station, not including body or motor repair or painting | X                 | P                 | X                 |                                  |
| Accessory Dwelling Unit <sup>1</sup>                                       | P <sup>1</sup>    | P <sup>1</sup>    | P <sup>1</sup>    | 9.01.2                           |

| <b>PERMITTED USES</b>  | <b>C-1</b>     | <b>C-2</b>     | <b>CMU</b>     | <b>Special Conditions</b> |
|--|----------------|----------------|----------------|---------------------------|
| Bank and other financial institutions  | P              | P              | P              |                           |
| Bed and Breakfast  | P              | P              | X              |                           |
| Bowling alley  | P              | P              | P              |                           |
| Building supplies, including sale of lumber                                      | X              | P              | X              |                           |
| Carnival, circus or similar temporary amusement enterprise                       | P              | P              | P              |                           |
| Carting, crating, express hauling, moving or storage                             | X              | P              | X              |                           |
| Church   | P              | P              | P              |                           |
| Child Care Center or kindergarten (including home based)                         | P              | P              | P              | 9.03.0                    |
| Child Care, Home Day Care <sup>8</sup>   | P              | P <sup>8</sup> | P <sup>8</sup> | 9.04.0                    |
| Clinic, Medical or Dental  | P              | P              | P              |                           |
| Club or lodge  | P              | P              | X              |                           |
| Cold storage plant   | CU             | CU             | X              |                           |
| Convenience food store   | P              | P              | P              |                           |
| Commercial/Office – Small Scale  | P              | P              | P              |                           |
| Drug store or pharmacy   | P              | P              | P              |                           |
| Dry cleaners   | P              | P              | P              |                           |
| Dwelling – Multi-family  | X              | X              | P              |                           |
| Dwelling – Single-Family   | P              | CU             | CU             |                           |
| Dwelling – Two-Family  | CU             | CU             | P              |                           |
| Dwelling – Townhouse   | CU             | CU             | P              |                           |
| Establishment for care of alcoholic, drug or psychiatric patients/Half-way House | X              | CU             | X              |                           |
| Farm equipment sales, service, repair  | X              | P              | X              |                           |
| Feed and fertilizer sales  | CU             | P              | X              |                           |
| Freight depot, railroad or truck   | P              | P              | X              |                           |
| Funeral home, mortuary or undertaking establishment                              | P              | P              | X              |                           |
| Furniture and home furnishings repair and sales                                  | P              | P              | X              |                           |
| Furniture and home furnishings, sales only                                       | P              | P              | X              |                           |
| Grocery store  | P              | P              | P              |                           |
| Hardware store   | P              | P              | P              |                           |
| Hotel/Motel  | P              | P              | P              |                           |
| Hospital   | P              | P              | P              |                           |
| Home Occupation <sup>4</sup>   | P <sup>4</sup> | X              | P <sup>4</sup> |                           |
| Ice vending establishment  | CU             | P              | X              |                           |
| Junk Yards and/or Hazardous Materials use or storage                             | X              | X              | X              |                           |
| Kennel   | X              | P              | X              |                           |
| Mini-storage   | X              | P              | X              | 9.10.0                    |
| Manufactured home sales and service  | X              | P              | X              |                           |
| Mobile Food Unit/Vendor <sup>9</sup>   | X              | P              | P              | 9.17.0                    |
| Museum   | P              | P              | P              |                           |
| Nursing Home   | P              | P              | X              |                           |
| Offices  | P              | P              | P              |                           |
| Open Display Commercial/Outdoor Display Commercial                               | X              | P              | X              |                           |
| Parks  | P              | P              | P              |                           |

| <b>PERMITTED USES</b>   | <b>C-1</b> | <b>C-2</b> | <b>CMU</b> | <b>Special Conditions</b> |
|---|------------|------------|------------|---------------------------|
| Personal Service Shop   | P          | P          | X          |                           |
| Place of Public Assembly  | P          | P          | P          |                           |
| Place of Worship or Church  | P          | P          | P          |                           |
| Public Utilities  | P          | P          | P          |                           |
| Recreation or amusement center  | CU         | P          | P          |                           |
| Restaurant, Sit-down  | P          | P          | P          |                           |
| Restaurant, Drive-thru  | X          | P          | X          |                           |
| Retail  | P          | P          | P          |                           |
| School  | P          | P          | P          |                           |
| Shooting Range  | X          | CU         | X          |                           |
| Storage Container Sales or Rental   | X          | P          | X          | 9.16.0                    |
| Theater   | P          | P          | P          |                           |
| Veterinarian, animal clinic   | P          | P          | X          |                           |
| Warehousing, inside storage only  | P          | P          | X          |                           |
| Warehousing, packaged products  | P          | P          | X          |                           |
| Wholesale establishment   | P          | P          | X          |                           |
| Wireless Communication Facilities   | CU         | P          | CU         |                           |
| Temporary structures for construction and/or sales operations   | P          | P          | P          |                           |
| Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district. | CU         | CU         | CU         |                           |

<sup>1</sup> ADUs are only permitted in conjunction with an existing detached single-family dwelling of greater square footage (Sec. 9.01.2)

<sup>4</sup> Home Occupation is allowed only in residential structures whose residential use is permitted by right in the given zoning district (Sec. 9.08.0)

<sup>8</sup> Child Care, Home Day Care is allowed only in residential structures whose residential use is permitted in the given zoning district (Sec. 9.04.0)

<sup>9</sup> Mobile food vending practices are further regulated by Ordinance No. 2025-01.

### **Section 6.03.0. Lot, Yard and Height Requirements**

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, wireless communication facilities or necessary mechanical apparatus shall not be subject to the height requirements.

| Zoning District  | Minimum Lot Area | Minimum Lot Width | Building Site Coverage | Setback Requirements   |                     |             |                     | Max. Height |
|--|------------------|-------------------|------------------------|------------------------|---------------------|-------------|---------------------|-------------|
|  |                  |                   |                        | Front                  | Side                | Side-Street | Rear                |             |
| C-1  | N/A              | N/A               | 100%                   | N/A                    | N/A                 | N/A         | 10 ft.              | 45 ft.      |
| C-2  | 7,000 sq. ft.    | 50 ft.            | 80%                    | 25 ft.                 | 10 ft. <sup>5</sup> | 25 ft.      | 15 ft. <sup>5</sup> | 45 ft.      |
| CMU  | N/A              | N/A               | 80%                    | 5-15 ft. <sup>10</sup> | 5 ft. <sup>5</sup>  | 5-20 ft.    | 10 ft.              | 45 ft.      |
| <sup>5</sup> C-1 and C-2 Properties Adjacent to R Districts<br>Complete visual screening such as fencing or vegetation of at least 6 ft. in height is required for those portions of the commercial property adjacent to the residential district unless abutting an existing street. In addition, all exterior lighting shall be designed and directed such that it will not project into adjacent residential districts. |                  |                   |                        | 25 ft.                 | 35 ft.              | 25 ft.      | 35 ft.              | 45 ft.      |
| Auto Service Station, Car/Boat Sales, Heavy Equip. Sales   | 7,000 sq. ft.    | 100 ft. at street | 50%                    | 25 ft.                 | 10 ft. <sup>5</sup> | 25 ft.      | 15 ft. <sup>5</sup> | 45 ft.      |

<sup>10</sup> Maximum setback; build-to line.

#### **Section 6.04.0. Signs**

Sign regulations for these districts are handled in Article X.

#### **Section 6.05.0. Parking**

The parking regulations for these district are handled in Article XI. Off-street parking shall not be required in the C-1 Downtown Commercial District. Parking requirements for C-MU shall be determined with site plan approval.

#### **Section 6.06.0. Highway 49 Overlay District**

##### **6.06.1. Boundaries**

The boundaries of the district include all properties lying within 500 feet of the center line of U.S. Highway 49 inside the city limits of Brookland.

##### **6.06.2. Application**

These regulations shall apply to all properties falling within the boundaries described in subsection 6.06.1. The regulations shall be in addition to and shall overlay all other zoning regulations. Therefore, properties falling within the boundaries of the overlay district shall be bound to all zoning, subdivision, and signage regulation in addition to being bound by regulations of the overlay district.

Where the requirements or standards of the overlay district conflict with other regulations, the requirements and standards of the overlay district shall control. Where at least twenty-five (25) percent of a property's area falls within the bounds of the overlay district, the requirements and standards of the overlay district shall apply to the entire property.

### **6.06.3. Site and Development Standards**

The following regulations apply to development or redevelopment in the overlay district.

- A. Building Facades: All buildings shall be required to have a front façade facing U.S. 49 Highway. Front building facades and the front eight (8) feet of each sidewall shall be required to be constructed of wood, masonry, rock, stucco, EIFS (exterior insulation and finishing system), architectural metal paneling, or other architectural material approved by the Planning Commission. No front façade shall be allowed to be constructed of corrugated metal.

## **Section 6.07.0 Commercial Mixed-Use District**

### **6.07.1. Site and Development Standards**

- A. Landscaping and Parking Areas  
The area between the building and any right-of-way or easement of any public or private street on which the development has frontage being a front or side-street setback shall be maintained as a green space. All landscaping shall conform to the standards below.
  - 1. No parking areas shall encroach into the required landscaping area.
  - 2. Landscaping shall consist of shrubs, trees, grasses, ground cover, mulch, or rock. No areas of open soil shall be permitted.
  - 3. One (1) tree shall be required for each fifty (50) linear feet of roadway frontage. One (1) shrub shall be required for each four (4) linear feet of roadway frontage.
  - 4. Trees planted shall be at least six (6) feet in height with at least a two (2) inch caliper with width at the time of planting.
  - 5. Shrubs shall be at least one (2) gallon in size.
  - 6. The property owner shall be responsible for maintenance of the landscaping in an orderly and living condition, including pruning, weeding, watering, and replacement when plants die or become diseased. Should the installed landscaping die or become diseased, the property owner shall replace the diseased or dead landscaping.
  - 7. All parking lots for non-residential development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot, providing a minimum of sixty (60) square feet of unpaved area per tree.
  - 8. Parking lots shall be prohibited in front and side-street yard and shall be set back a minimum of five (5) feet from any side or rear property line.
- B. Lighting  
Lighting shall be fully shielded and directed downward to the parking lot and light spread shall not reflect into the adjacent neighborhood. Lighting shall not exceed twenty (20) feet in height.
- C. Screening  
All mechanical and utility equipment, trash enclosures, and parking lots shall be screened

in the following manner:

1. All mechanical and utility equipment on the side of the building and/or on the ground shall be screened by fencing and /or vegetation if visible from the street or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
2. Trash enclosures shall be enclosed with a solid, opaque structure at least eight (8) feet in height with wooden or metal gates that fully obscure the view inside the enclosure.

D. Building Facades

The primary entrance of the principal building shall face the street and be accessible to a sidewalk. The front façade and side walls of all principal buildings shall be clad in an architectural material. The front façade shall be composed of at least fifteen percent (15%) glass/glazing and eighty-five percent (85%) architectural materials. The following shall be considered architectural materials:

1. Exterior Insulation Finish Systems (EIFS) (*product example: Dryvit®*)
2. Brick
3. Fiber Cement Siding (*product example: Hardie®Plank*)
4. Architectural/Split Concrete Block (excluding standard CMU)
5. Pre-Cast Concrete
6. Wood
7. Stone
8. Tile
9. Stucco
10. Architectural metal paneling with concealed fasteners (excluding R-panel)

E. Utilities

Above-ground utilities may be located at the rear property line. In the event it is not feasible to place utilities at the rear property line, utilities shall be placed underground.

**6.07.2. Review Procedure**

All development within the district shall be reviewed through the Site Plan Review process. If the property proposed for development is part of a larger tract of land under the same ownership or is adjacent to land under the same ownership, the applicant shall submit a conceptual master plan for the entire tract or adjacent properties along with required submittals for the property under consideration.

## ARTICLE VII. INDUSTRIAL DISTRICTS

### ***Section 7.01.0. Purpose of Each District***

#### ***7.01.1. Industrial (I-1)***

The I-1 District is intended to provide areas for both light and heavy industrial uses such as manufacturing, assembling, warehousing, etc. that would be considered a nuisance within all other districts, but which do not constitute a nuisance when separated from other residential and commercial uses.

### ***Section 7.02.0. Permitted Uses***

The permitted uses in the industrial district are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.

“X” means that the use is prohibited.

#### **INDUSTRIAL DISTRICTS**

| <b><i>PERMITTED USES</i></b>                         | <b><i>I-1</i></b> | <b><i>Special Conditions</i></b> |
|--|-------------------|----------------------------------|
| Accessory Building and Uses                          | P                 | 9.01.0                           |
| Agricultural Products Processing                     | CU                | 7.04.0                           |
| Bulk Storage of Highly Flammable Materials           | CU                | 7.04.0                           |
| Contractor or Utility Equipment Parking/Storage Yard | P                 | 7.04.0                           |
| Dwellings – All Residential                          | X                 |                                  |
| Foundry and Metal Works                              | CU                | 7.04.0                           |
| Grain Elevator or Feed Mill                          | CU                | 7.04.0                           |
| Junk or Salvage Yard                                 | CU                | 7.04.0, 9.02.0                   |
| Lumber Yard  | P                 | 7.04.0                           |
| Machine or Welding Shop                              | P                 | 7.04.0                           |
| Manufacturing  | P                 | 7.04.0                           |
| Mobile Food Vendor/Unit <sup>9</sup>                 | P                 | 9.17.0                           |
| Places of Worship and Churches                       | P                 |                                  |
| Printing and Publishing                              | P                 | 7.04.0                           |
| Processing and Assemblage                            | P                 | 7.04.0                           |
| Public Utilities                                     | P                 | 7.04.0                           |
| Racetrack  | CU                | 7.04.0                           |
| Recycling and Reclamation                            | CU                | 7.04.0                           |
| Sand, Gravel or Earth Sales and Storage              | P                 | 7.04.0                           |
| Sanitary Landfill                                    | CU                | 7.04.0                           |
| Stone, Sand or Gravel Extraction                     | X                 | 7.04.0                           |
| Tanning or Rendering of Animals                      | X                 | 7.04.0                           |

| <b>PERMITTED USES</b>  | <b>I-1</b> | <b>Special Conditions</b> |
|--|------------|---------------------------|
| Taxidermist  | P          | 7.04.0                    |
| Tool and Equipment Rental (Inside or Outside)  | P          | 7.04.0                    |
| Airport or Landing Field   | CU         | 7.04.0                    |
| Water/Sewage Treatment Plant   | P          | 7.04.0                    |
| Warehousing and Wholesaling  | P          | 7.04.0                    |
| Temporary structures for construction and/or sales operations                        | P          |                           |
| Other Industrial Uses not expressly provided for, unless otherwise prohibited by law | CU         | 7.04.0                    |

<sup>9</sup> Mobile food vending practices are further regulated by Ordinance No. 2025-01.

### **Section 7.03.0. Lot, Yard and Height Requirements**

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

Yard (front, rear, and side) area is identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

| <b>Zoning District</b>   | <b>Minimum Lot Area</b> | <b>Minimum Lot Width</b> | <b>Building Site Coverage</b> | <b>Setback Requirements</b> |                     |                    |                     | <b>Maximum Height</b> |
|--|-------------------------|--------------------------|-------------------------------|-----------------------------|---------------------|--------------------|---------------------|-----------------------|
|  |                         |                          |                               | <b>Front</b>                | <b>Side</b>         | <b>Side-Street</b> | <b>Rear</b>         |                       |
| I-1  | 10,000 sq. ft.          | 100 ft.                  | 50%                           | 50 ft.                      | 20 ft. <sup>6</sup> | 25 ft.             | 15 ft. <sup>6</sup> | 48 Ft.                |
| <sup>6</sup> I-1 Properties Adjacent to R Districts<br><br>Complete visual screening of at least 6 ft. in height is required for those portions of the industrial property adjacent to the residential district unless abutting existing street. |                         |                          |                               | 50 ft.                      | 50 ft.              | 25 ft.             | 50 ft.              | 48 ft.                |

### **Section 7.04.0. Performance Standards**

Any industrial use established in the City of Brookland after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

#### **7.04.1. Physical appearance**

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles and equipment shall be suitably screened by a fence at least six (6) feet in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

#### **7.04.2. Flammable or explosive materials**

Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant regulations.



All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten (10) feet in height.

#### **7.04.3. Noise**

No operation shall be carried on which involved noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. For the purposes of these regulations, the emission of any sound inherently and recurrently generated which exceeds seventy (70) decibels at any boundary line on the lot on which such sound is generated, is considered obnoxious. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency of shrillness.

#### **7.04.4. Sewage and Liquid Waste**

No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Environmental Quality.

All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

#### **7.04.5. Air Contaminants**

All air contaminants, smoke and particulate emitted into the air by whatever means shall conform to the Arkansas Air Pollution Control Code, as amended.

#### **7.04.6. Odor**

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

#### **7.04.7. Gases**

Gas concentrations in the air shall conform to the Arkansas Air Pollution Control Code, as amended.

#### **7.04.8. Vibration**

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

**7.04.9. Glare and Heat**

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

**Section 7.05.0. Signs**

Sign regulations for this district are handled in Article X.

**Section 7.06.0. Parking**

The parking regulations for this district are handled in Article XI.

## ARTICLE VIII. AGRICULTURAL DISTRICTS

### ***Section 8.01.0. Purpose of Each District***

#### ***8.01.1. Agricultural/Rural Residential (A-1)***

The Agricultural District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The Agricultural District is intended for agricultural uses with accompanying single-family residences as well as incidental accessory uses.

### ***Section 8.02.0. Permitted Uses***

The permitted uses in the agricultural district are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use as set forth in Article XIV.

“X” means that the use is prohibited.

#### **AGRICULTURAL DISTRICTS**

| <b><i>PERMITTED USES</i></b>                           | <b><i>A-1</i></b> | <b><i>Special Conditions</i></b> |
|--|-------------------|----------------------------------|
| Accessory Buildings and Uses                           | P                 | 9.01.0                           |
| Accessory Dwelling Unit <sup>1</sup>                   | P <sup>1</sup>    | 9.01.2                           |
| Agriculture  | P                 |                                  |
| Aquaculture  | CU                |                                  |
| Automobile Junk or Salvage Yard                        | X                 |                                  |
| Bed and Breakfast                                      | CU                |                                  |
| Child Care Center                                      | X                 |                                  |
| Child Care, Home Day Care <sup>8</sup>                 | P <sup>8</sup>    | 9.04.0                           |
| Contractor or Utility Equipment Parking/Storage Yard   | X                 |                                  |
| Dwelling – Manufactured Home <sup>7</sup>              | P <sup>7</sup>    | 5.07.0                           |
| Dwelling – Single-Family Home <sup>7</sup>             | P <sup>7</sup>    | 5.07.0                           |
| Dwelling – Two, Three, Four, and Apartment Residential | X                 |                                  |
| Home Occupation <sup>4</sup>                           | P <sup>4</sup>    | 9.08.0                           |
| Junk Yards and/or Hazardous Materials Use or Storage   | X                 |                                  |
| Mobile Food Vendor/Unit <sup>9</sup>                   | P                 | 9.17.0                           |
| Place of Worship or Church                             | P                 |                                  |

<sup>1</sup> ADUs are only permitted in conjunction with an existing detached single-family dwelling of greater square footage (Sec. 9.01.2)

<sup>4</sup> Home Occupation is allowed only in residential structures whose residential use is permitted by right in the given zoning district (Sec. 9.08.0).

<sup>7</sup> Such uses shall be subject to the same requirements placed on dwellings within residential districts (Sec. 5.07.0).

<sup>8</sup> Child Care, Home Day Care is allowed only in residential structures whose residential use is permitted in the given zoning district (Sec. 9.04.0)

<sup>9</sup> Mobile food vending practices are further regulated by Ordinance No. 2025-01.

**Section 8.03.0. Lot, Yard, and Height Requirements**

Every principal permitted use hereafter erected or located shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) area is identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, silos, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

| <b>Zoning District</b> | <b>Minimum Lot Area</b> | <b>Minimum Lot Width</b> | <b>Setback Requirements</b> |             |                    |             | <b>Maximum Height</b> |
|------------------------|-------------------------|--------------------------|-----------------------------|-------------|--------------------|-------------|-----------------------|
|                        |                         |                          | <b>Front</b>                | <b>Side</b> | <b>Side-Street</b> | <b>Rear</b> |                       |
| A-1                    | 1 acre                  | N/A                      | 25 ft                       | 25 ft       | 25 ft              | 25 ft       | 45 ft.                |

**Section 8.04.0. Signs**

Sign regulations for this district are handled in Article X.

**Section 8.05.0. Parking**

The parking regulations for this district are handled in Article XI.

## ARTICLE IX. SPECIAL PROVISIONS

### Section 9.01.0. Accessory Buildings

#### 9.01.1. General

- A. An accessory building shall be clearly incidental to the principal building on a lot.
- B. No accessory building shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- C. Storm cellars shall be considered accessory buildings.
- D. In all residential zoning districts, or zoning district in which the property is used primarily for residential purposes, a detached accessory building shall be located at least ten (10) feet from the principal building on the property and any other accessory buildings, except when the accessory building utilizes a one-hour fire rating wall on any side nearer than ten (10) feet to the adjacent structure.
- E. Accessory buildings exceeding eight hundred (800) square feet in area or forty percent (40%) of the gross floor area of principal building on the lot, shall require a conditional use permit in accordance with the provisions of Article XIV, unless provided otherwise in this Code.
- F. Accessory buildings, excluding Accessory Dwelling Units, are subject to the following setbacks, unless otherwise provided in this Code:

| <b>Setback Requirements</b>   |                        |                         |             |
|---|------------------------|-------------------------|-------------|
| <b>Front</b>  | <b>Side (Interior)</b> | <b>Side (Exterior)</b>  | <b>Rear</b> |
| Same as Zoning District<br>Or<br>Not Permitted in R and C Districts | 5 ft.                  | Same as Zoning District | 5 ft.       |

- G. Accessory buildings which include cooking or other kitchen facilities and bathroom facilities and are designed for independent residential occupancy from the principal building shall be considered an Accessory Dwelling Unit (ADU) as defined in this Code.

#### 9.01.2. Accessory Dwelling Units

Requirements applying specifically to Accessory Dwelling Units (ADU) are as follows:

- A. An Accessory Dwelling Unit shall be permitted by right on a lot or parcel where there is an existing detached single-family dwelling of greater square footage. If the associated principal single-family dwelling is permitted conditionally, the ADU shall be subject to all standards established by the conditional use permit.
- B. Accessory Dwelling Units shall meet the following standards:
  - 1. Maximum Occupancy: Occupancy of the ADU shall be limited to one (1) family.
  - 2. Number Allowed: One (1) ADU per lot or parcel with an existing single-family detached dwelling shall be allowable.

3. Size Limits: The maximum size of a detached or attached ADU shall be either seventy-five percent (75%) of the gross floor area of the principal single-family dwelling or one thousand (1,000) square feet in gross floor area, whichever is less.
  4. Setbacks: The ADU shall meet all the required setbacks of the principal single-family dwelling of the zone in which it is located. In instances where the principal building is built at a distance greater than the minimum front setback, the front edge of the principal building shall become the established front setback.
  5. Improvements: No improvements to public streets or sidewalks shall be required as a condition of ADU construction except to reconstruct or repair a public street or sidewalk that was disturbed as a result of the construction of the ADU.
- C. Accessory Dwelling Units require a building permit, application for which shall include all required plans, documents, and payment of review fee.
1. The applicant shall provide a scaled plot plan in accordance with the requirements of the *Building Permit* provisions of this Code.
  2. The applicant shall complete all required forms and documents in accordance with the requirements of the *Building Permit* provisions of this Code.
  3. A non-refundable review fee, as indicated in the Schedule of Fees adopted by the City Council, shall be paid. If no Schedule of Fees is adopted and/or the fee is not included, the review fee shall be two hundred-fifty dollars (\$250).

### ***Section 9.02.0. Automobile Wrecking and Junk Yards***

#### ***9.02.1. General***

Because of the nature of their operations and the noise, dust, traffic, and health hazards they may create, salvage yard shall adhere to the subsequent regulations:

#### ***9.02.2. Standards***

- A. *Location:*  
Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
- B. *Screening:*  
All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight (8) feet to not more than twelve (12) feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition. The fence shall be installed around each junk yard at the time the use is established or within six (6) months of annexation.
- C. *Ingress and Egress:*  
The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Department of Transportation.

**Section 9.03.0. Child Care Centers**

Requirements applying to Child Care Centers are as follows:

- A. Child Care Centers are required to obtain a permit before beginning operations.
- B. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:
  - 1. Owner's name, address, and telephone number
  - 2. North Arrow
  - 3. Scale
  - 4. Accurate Shape and dimension of the lot or site
  - 5. Lengths of all property lines
  - 6. Roads and rights-of-ways-labeled, both public and private
  - 7. Parking areas, driveway location and any intersections with roads
  - 8. Label all existing structures
  - 9. Locations and dimension of all structures and distances of each to property lines
- C. All Child Care Centers shall be located on a lot large enough to meet City codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.
- D. Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- E. Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.
- F. Child Care Centers shall provide one off-street parking space for the loading and unloading of children.

**Section 9.04.0. Child Care, Home Day Care**

Requirements applying to Home Day Cares are as follows:

- A. Home Day Cares are required to obtain a business permit before beginning operations.
- B. Each permit issued for a Home Day Cares shall pertain to only one (1) residential building/structure and each expansion thereof shall require a separate business permit.

- C. All Home Day Cares shall be located in a residential dwelling and shall be operated in a manner that will not change the character of the residence.
- D. All Home Day Cares shall be located on a lot large enough to meet City codes.
- E. All Home Day Cares shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- F. The application for a Home Day Cares business permit shall be accompanied by a site plan and shall include the following:
  - 1. Owner's name, address, and telephone number
  - 2. North arrow
  - 3. Accurate shape of the lot or site with property lines dimensioned
  - 4. Roads and rights-of-way labeled, both public and private
  - 5. Parking areas, driveway location, and any intersections with roads
  - 6. Label and dimension all existing structures; dimension distance of each to property lines
  - 7. Additional information or documentation as required by the Administrative Official for purposes of compliance with subparagraph H.
- G. Home Day Cares providing care for/supervision of more than five (5) children (including any children for whom the provider is a parent, guardian, or custodian) shall be subject to additional review for potential traffic impact and compliance with State licensing and/or registration requirements, prior to issuance of a business permit. Off-street parking, loading/unloading areas, and compliance with State codes shall be reviewed and additional requirements determined on a case-by-case basis.

**Section 9.05.0. Reserved**

*This section is reserved for future use.*

**Section 9.06.0. Flammable Liquids and Gases**

The storage of flammable liquids and gases shall comply with the Arkansas Fire Prevention Code and be approved in writing by the Brookland Fire Protection District. Tanks for the storage of flammable liquids and gases in excess of 100 pounds shall be allowed only for Commercial and Industrial use.

**Section 9.07.0. Floodways and Flood Plains**

No excavation, filling or construction is allowed in the floodway as designated on the Flood Insurance Rate Map (FIRM).



Construction is allowed in the flood plain as long as the finished floor of all building space is one (1) foot above the one in one hundred year flood as designated on the FIRM. Brookland's floodplain permitting is handled by the Craighead County Floodplain Manager.

#### ***Section 9.08.0. Home Occupations***

An occupation may be carried on within a residential structure only if:

- A. The residential use of the structure, proposed to contain the home occupation, is permitted by right in the given zoning district;
- B. It does not involve the use of commercial vehicles operating from the residence;
- C. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure;
- D. The business, occupation, or profession does not occupy more than twenty-five (25) percent of the gross floor area of one (1) floor of the structure and is conducted entirely within the residential structure;
- E. It does not involve the external display of goods and services;
- F. The business, occupation, or profession is solely conducted by a person, or persons, residing in the structure;
- G. The provision of services is limited to a single visitor or client at any one time;
- H. The business, occupation, or profession is not sexually oriented in nature; and
- I. It meets the definition of "Home Occupation," as defined in Article XVI.

#### ***Section 9.09.0. Manufactured Home Parks***

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

##### ***9.09.1. Development Standards***

The Manufactured Home Park shall conform to the following standards:

- A. A manufactured home park shall contain a minimum of five (5) acres.
- B. There shall be a maximum of six (6) manufactured homes per gross acre.
- C. Only one (1) manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.
- D. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation

of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.

- E. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
- F. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

**9.09.2. Design**

- A. Lot Size:  
Each manufactured home space shall contain a minimum of 5,000 square feet of site area.

Each manufactured home space shall have a minimum width of fifty (50) feet.

- B. Yard Areas:  
A manufactured home space shall have yard setbacks of not less than seven and one-half (7 ½) feet on all sides.

There shall be a minimum distance of twenty (20) feet between manufactured homes.

- C. Parking and Streets:  
A minimum of two (2) improved off-street parking spaces shall be provided per manufactured home space, each nine (9) feet by twenty (20) feet.

All manufactured 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. The driveways will consist of two (2) inches of asphalt over a six-inch (6") gravel base.

- D. Utilities:  
Each manufactured home space shall be provided with sanitary sewer and water service as required by the Codes of the City of Brookland.

Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Brookland.

A 200 amp electrical service shall be provided for each manufactured home space.

- E. Screening:  
Adequate landscaping shall be provided, including trees and shrubs, around the perimeter of the manufactured home park. Landscaping shall be site obscuring, with a minimum of six (6) foot screening.

Additional fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.

- F. Accessory Structures:  
Unless otherwise provided in this Code, the only accessory structure permitted shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

***Section 9.10.0. Mini-Storage***

Where permitted, mini-warehouses shall comply with the following additional requirements:

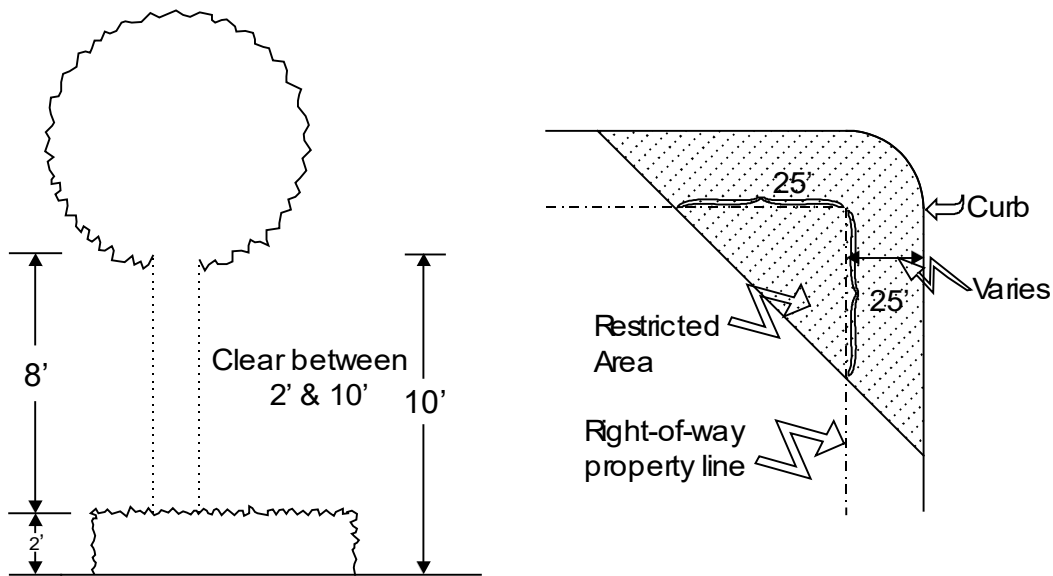
- A. Mini-storage are intended for the use of private individuals and companies principally for the inactive storage of goods and materials and are not to be used as a commercial/office base of operation for a company or individual.
- B. There shall not be any sales, either wholesale or retail, on the premises.
- C. When the mini-warehouse is located adjacent to a residentially zoned property, the owner/developer of the mini-warehouse shall install an opaque screen of not less than six (6) feet in height on any lot line or alley right-of-way adjacent to said residentially zoned property.
- D. The owner/developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering, and vehicular access to the warehouse bays.
- E. The owner of the mini-warehouse shall prohibit the storage of highly flammable or explosive liquids, solids, or gases in violation of any law, regulation or ordinance.

***Section 9.11.0. Temporary Dwelling for Construction, Maintenance, or Security Personnel***

A manufactured home or other type of dwelling unit intended for temporary use may be located within any district as a special permit use for occupancy by construction, maintenance, or security personnel in accordance with the provisions of Section 5.07.0.

***Section 9.12.0. Visibility at Intersections***

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in a way that prevents vision of the roadway between a height of two (2) feet and ten (10) feet within twenty-five (25) feet along the property line from the property corner.



### **Section 9.13.0. Wireless Communication Facilities**

#### **9.13.1. Application and Zoning Requirements**

- A. Permit Required: A Tower Use Permit (TUP) shall be required for the approval and construction of any wireless communication facility (WCF) within the city limits of Brookland. It shall be the responsibility of the owner to comply with all federal and state regulations pertaining to the WCF, including but not limited to FAA height and lighting requirements and provisions of the National Environmental Protection Act (NEPA).
- B. Application: All applications for a TUP shall include the following:
  1. Scaled site plan, elevation view, and other supporting drawings showing all improvements to the site, adjacent uses, and zoning
  2. Documentation of the location and dimensions of the proposed WCF
  3. Name of applicant
  4. Name of landowner and signed approval of the landowner
  5. Permit fee, according to the fee schedule set by the City Council. No permit can be issued without submittal of this fee.
- C. Review Process: Two tracks exist for review of TUP applications.
  1. Track One: Proposed TUP applications within the A-1, C-2, I-1 zones may be processed and approved through administrative review by the Administrative Official.
  2. Track Two: Proposed TUP applications within the R-1, R-2, R-3, R-MH, and C-1 zones shall require approval by the Planning Commission and be subject to a public hearing. These applications will be subject to the same review process as a conditional use permit.

3. Appeal and Review: The City of Brookland shall complete final action upon any TUP application within 90 days of the filing of the completed application, unless an extension is requested by the applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence. Any decision concerning the approval or denial of an application made by the Administrative Official may be appealed to the Board of Adjustment in writing within thirty (30) days of the decision.

#### **9.13.2. Development Standards**

- A. Height
  1. An attached Wireless Communications Facility shall not add more than twenty (20) feet to the existing building or structure to which it is attached.
  2. WCF with support structures shall a maximum height of 200 feet in the I-1 and A-1 zones; 150 feet in the C-2; and 100 feet in the R-1, R-2, R-3, R-MH, C-1 zones. Where collocation can be accommodated, towers may be increased by ten (10) feet in height for each additional provider to a maximum of fifty (50) additional feet.
- B. Setbacks
  1. A WCF with support structures shall meet the setback requirements of principal structures of the zone in which it is located, except within residential zones.
  2. A WCF with support structures located in a residential district or abutting a residential district on any side shall be setback from any adjoining residential property line a distance of at least equal to the height of the tower as measured from the base of the tower to the property line of a residential lot. Guy-wired anchors shall meet the setback requirements specific to the zoning district in which it is located.
- C. Lighting

WCF shall not be artificially illuminated, directly or indirectly, except as may be required.
- D. Signage

WCF shall not display any signage or message of a commercial nature except as is necessary for safety and security purposes.
- E. Fencing

WCF with support structures shall be enclosed by a security fence not less than six (6) feet in height.
- F. Collocation

All WCF with support structures shall be designed to accommodate additional providers where technically feasible.

#### **9.13.3. Special Conditions**

- A. Support Structures for wireless communication facilities shall be of the monopole type construction in all zones except I-1 and C-1.
- B. Structures in the I-1 zones may be of derrick tower or guy-wired supported tower construction.

- C. Only attached WCF or monopole type facilities using Stealth Technology may be permitted in the C-1 zone.

#### ***Section 9.14.0. Fences, Walls, and Berms***

##### ***9.14.1. Permit Requirement***

No fence shall be constructed or, in some instances, altered or repaired within the City unless a permit has been issued by the Administrative Official. A permit is required when more than sixteen (16) feet of an existing fence is to be repaired or replaced. No permit is required for repair or maintenance of non-structural components, such as wooden fence planks.

Permit Requirement:

- A. Application: A fence permit application on a form provided by the City shall be accompanied by a scaled sight plan including all property line dimensions, location of proposed fence, fence height, fence material, and north arrow.
- B. Fee: The permit fee shall be in accordance with the fee schedule as adopted by City Council. If no schedule is established the permit fee shall be \$75.
- C. Inspection: Site inspection by the City is required prior to the construction of any fence.

##### ***9.14.2. Materials***

Fences may be constructed of wood, masonry, wrought iron, chain link, vinyl, brick, concrete block, wire or similar materials employed by standard building practice. The use of tires or similar salvage materials not originally designed as structural components of fences, razor wire, ribbon wire, sheet metal, and pallets are prohibited.

##### ***9.14.3. Height***

- A. Front Yards: The maximum height of any fence shall be four (4) feet and shall be a minimum of fifty percent (50%) open.
- B. Side and Rear Yards: The maximum height of any fence shall be eight (8) feet, unless otherwise approved by the Planning Commission.
- C. Where an earthen berm is required, the berm may be topped by a fence, wall, or hedge of the maximum height permitted in the yard in which the berm is located. The height shall be measured from the highest grade of the berm.
- D. Where a retaining wall is located along a property line separating lots, the wall may be topped by a fence of the height permitted in the yard in which the wall is located. The height shall be measured from the finished grade of the wall.

##### ***9.14.4. Standards***

- E. All fences shall be constructed on private property.
- F. No fence shall encroach into a sight triangle in accordance with Section 9.12.0.

- G. All fences shall be maintained in an upright position. Any damaged or missing parts shall be replaced with the same type and quality of material within ninety (90) days. Fences that are painted or have other surface finishes applied shall be maintained in their original condition.
- H. No fence shall be erected in a drainage easement, across an open drainage ditch, or impede the flow of surface water.
- I. All fences shall have at least one gate of a minimum width of ten (10) feet or in accordance with applicable state law, for emergency ingress and egress.
- J. All fences shall be constructed in accordance with the front setback of the zoning district in which the fence is located.
- K. Fences shall not be electrified.
- L. Fences in Residential Districts that abut public right-of-way shall be constructed with the finished surface visible from the public realm and vertical or horizontal support posts concealed from view.
- M. Fences in Industrial Districts may utilize up to three (3) strands of barbed wire atop fences so long as the barbed wire does not extend beyond the property line. An additional five-foot (5') setback from property lines and public rights-of-way is required for fences utilizing barbed wire.

#### ***Section 9.15.0. Storage Containers***

##### ***9.15.1. Prohibition.***

Storage containers are prohibited at any location except where permitted for temporary use or when provided for sale or rent. See Section 9.16.0 regarding sales or rental of storage containers.

##### ***9.15.2. Temporary Use.***

A storage container may be allowed as an accessory structure for temporary use in the following instances:

- A. **Construction:** A storage container may be utilized for the temporary storage of building materials and tools so long as there is active construction of a residential or commercial building on the tract of property upon which the container is to be placed. A permit is required and placement is allowed for up to three (3) months after the permit is issued. The storage container must be moved once the permit expires. A permit may be extended to allow placement for a longer period. The permit may be extended by the Administrative Official to allow placement for up to nine (9) months. Extension beyond nine (9) months shall require City Council approval. The permit shall expire on the date listed on the permit or thirty (30) days after the construction on the site ceases, whichever is first. The permit must be displayed on the unit at all times.
- B. **Commercial Inventory:** A storage container may be utilized on commercial property for the temporary storage of inventory. A permit is required. The storage container shall be placed in the rear yard and screened from view of the public.

#### **9.15.3. Permit.**

- A. Application: The owner of the real estate upon which the storage container is to be placed must apply for a permit. The application shall be on a form supplied by the City of Brookland and on file with the City Clerk. The application shall be completed and executed by the owner of the property and returned to the City Clerk with the application fee. The application shall include the following information:
1. Name, postal address, and telephone number of the owner of the real estate.
  2. Purpose for the storage container.
  3. A plan indicating the proposed location of the container and its distance from buildings or proposed buildings.
  4. Identification of adjoining property owners (including name, address, and telephone number).
  5. Location of fire hydrants, location of utilities, and an indication of setbacks or easements.
  6. A description of the container including its dimensions, style, color, and how it will be secured to the ground.
  7. Location and number of parking spaces for the site, if a business.
  8. Any additional information required by the Administrative Official.
- B. Review: The application will be reviewed by the Administrative Official. The administrative official may take into consideration the appearance of the container, visibility from the street, potential alternative locations for the storage unit on the lot, efforts to minimize disturbance to adjoining properties, container size, safety, existence of any zoning violations, and other concerns related to health, safety, and welfare.
- C. Approval/Denial: The Administrative Official shall approve, deny, or request additional information from the applicant within 72 hours of receipt of the application. If additional information is requested, the Administrative Official shall have 72 hours to approve or deny the application once the information is received.

#### **9.15.4. Toxic or Hazardous Materials.**

No storage container may be used to house any toxic or hazardous materials.

#### **9.15.5. Maintenance and Safety.**

All storage containers must be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, and must not pose any safety risk. In the event the storage container is determined to be a safety risk or present physical danger to persons or property, the storage container may be caused to be removed from the property.

### **Section 9.16.0. Storage Container Sales or Rental**

The following govern the sites which sale or rent storage containers:



- A. Storage container sales and rental sites must be approved through the conditional use permit process.
- B. All storage containers must be placed within the side or rear yard of the lot and observe the building setbacks for the property.
- C. No storage container shall be allowed closer to the street frontage than the front edge of the principal structure on the lot.
- D. All storage containers must not be visible from any street frontage and be placed behind a wall or fencing at least eight (8) feet in height that provides visual screening.
- E. No storage container can be placed within the required parking area for a business.
- F. All storage containers must be locked and secured in a manner to prevent public access to the storage containers.

#### **9.17.0. Mobile Food Vending**

##### **9.17.1. Mobile Food Vendor Locations**

Mobile Food Vending operations are permitted by right, with applicable permits, in the General Commercial (C-2), Commercial Mixed-Use (CMU), Industrial (I-1), and Agricultural (A-1) zoning districts.

##### **9.17.2. Mobile Food Vendor Regulations**

Except as otherwise provided in this Section, all Mobile Food Vendors are subject to the following conditions:

- A. A Mobile Food Unit shall not be operated, left unattended, or stored or parked overnight in City right-of-way, or on a street, sidewalk, or other public property.
- B. Mobile Food Vendors shall not operate from one stationary location for longer than 120 days or return to the same stationary location within 120 days of vacating. A change in stationary location shall be registered with the City, but no fee charged unless the business permit is due to be renewed.
- C. Mobile Food Vendors shall ensure that a litter receptacle is available to customers within ten (10) feet of the Mobile Food Unit.
- D. Mobile Food Vendors shall not operate between the hours of 11:30 pm and 6:00 am.
- E. Mobile Food Vendors shall not vend to persons in motor vehicles or operate a drive-thru.
- F. Mobile Food Vendors shall not utilize any tables, crates, cartons, racks, or other devices for the purpose of increasing selling or display capacity.
- G. Mobile Food Vendors may not operate within one hundred (100) feet of another Mobile Food Unit.

- H. Mobile Food Vendors shall not operate within fifty (50) feet of any driveway entrance to a police or fire station; within ten (10) feet of any crosswalk at an intersection, fire hydrant, fire escape, driveway, alley, sidewalk, utility box, accessible ramp, emergency call box, or building entrance.
- I. Mobile Food Units may not use any sort of external temporary lighting, except that which is used on or in the Mobile Food Unit for menu illumination and the preparation of food.
- J. Mobile Food Vendors shall not leave a vending site without first removing all waste and refuse and shall not discharge any waste product into the storm drain, ground, or stream of water.
- K. Mobile Food Vendors shall not utilize any sound amplification system, radio, or similar device that does not comply with the City of Brookland Noise ordinance.
- L. Mobile Food Vendors shall not place items related to the operation of the Mobile Food Unit anywhere other than on, in, or under the Mobile Food Unit.
- M. Mobile Food Units shall only display signage upon or within the Mobile Food Unit; no independent signage is permitted including but not limited to hand-held or temporary signs or handbills.

#### **9.17.3. Permit Requirement**

Mobile Food Vendors shall secure a City Business Permit prior to beginning operations. The following information shall accompany the City Business Permit application:

- A. Arkansas Department of Health Food Establishment Permit;
- B. Arkansas Department of Finance Sales Tax Permit and number;
- C. Photo of the Mobile Food Unit;
- D. Mobile Food Unit vehicle identification number, if applicable;
- E. Written permission from the owner of private property where the mobile food unit is to be located; and
- F. A bond in the amount of no less than \$1,000.

In the event a Mobile Food Unit is not operated in accordance with this Ordinance the City shall have the authority to revoke the applicable business permit and/or assess penalty fines.

#### **9.17.4. Exemptions**

The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from Mobile Food Unit/Vendor regulations. However, this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses, and/or persons:

- A. Special Activities

- B. Wholesale Deliveries
- C. Nonprofit mobile food vendors, on- and off-premises
- D. Catering Trucks
- E. Seasonal Operations
- F. Ice Cream Trucks
- G. Vending Machines
- H. Coffee Kiosks
- I. Farmers Markets
- J. Frozen Food Sales Trucks
- K. School Sponsored Activities on school property

## **ARTICLE X. SIGNS**

The purpose of this article is to provide minimum standards to safeguard life health, property, public welfare and community aesthetics, by regulating and controlling the location, design, and quality of maintenance of signs visible to the public.

### ***Section 10.01.0. Rules of Construction***

When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined. When determining maximum signage area of a sign, the total area of one face of the sign shall be used.

### ***Section 10.02.0. Permit Requirement***

No sign shall be erected, transferred, rebuilt, or structurally altered within the City unless a permit has been issued by the Administrative Official. Addition or modification to the illumination of any existing sign which changes the type or intensity of the lighting shall require a new sign permit. Refacing a sign shall not require a permit unless it alters the illumination of the sign. A separate permit shall be required for each sign.

- A. Applications: Application for a sign permit shall be made on forms provided by the City. Requirements shall include but are not limited to location by street address, names and addresses of owner(s) and sign contractors(s), scaled drawing of the sign, exact location on the property, and lighting and construction design.
- B. Notice of Intent to Review. If the Administrative Official determines the sign permit application is complete, one of the following shall occur:
  - 1. Local Fast-Track Review Process: If the applicant has opted out of application of the statutory review process, the Administrative Official shall commence review of the application in accordance with Paragraph C of this subsection.
  - 2. Statutory Review Process: If the applicant has not opted out of application of the statutory review process, the provisions of ACA § 14-1-504 through 506 shall apply instead of the provisions of Paragraph C of this subsection. The Administrative Official shall provide written or electronic notice to the applicant indicating the Administrative Official can provide review of the application within sixty (60) days. If the applicant does not respond or elect review made available under ACA § 14-1-504 within three (3) business days of the Administrative Official providing notice, review by the Administrative Official shall commence.
- C. Application Review: The Administrative Official or assigned designee will review the sign permit application for compliance with the provisions of this Code and other applicable regulations. The Administrative Official shall have fifteen (15) business days from acceptance of the complete application to provide comments, written or electronic, regarding any deficiencies that require revision, notice of approval (permit issuance), or notice of denial of the sign permit application. If the Administrative Official fails to provide review comments on a complete sign permit application within fifteen (15) business days from application acceptance, the applicant shall be issued a permit for the sign immediately. An explanation of denial, written or electronic, shall be provided to the applicant for denied permit applications. All decisions rendered by the

Administrative Official concerning sign permit applications can be appealed to the Board of Adjustment by the applicant.

D. Applicant Resubmission:

1. Following receipt of review comments, the applicant shall address the review comments or withdraw the application. Upon addressing the review comments, the applicant shall resubmit to the Administrative Official the necessary materials to correct the deficiencies in the application by means made available by the City of Brookland. If no resubmission is received by the Administrative Official within ninety (90) days of the written or electronic notice of review comments, the application shall be considered withdrawn and automatically denied.
2. The applicant may request an extension of review by written or electronic means before the ninety (90) day resubmission period ends. Such request shall indicate the length of the extension period requested by the applicant, which shall not exceed an additional ninety (90) days. Only one (1) such extension may be granted to the applicant for the Sign Permit application.
3. Upon resubmission, the Administrative Official shall review the application in accordance with Paragraph C of this subsection.

E. Finding of Approval: When a sign permit application is found to conform to the provisions of this Code and all other applicable plans, regulations, ordinances, and standards, the Administrative Official shall approve the application and issue the sign permit.

F. Application Approvals and Permit Issuance: The Administrative Official or assigned designee will be charged with review of all sign permit applications based upon the provisions of this Code and other applicable regulations. The Administrative Official shall have ten (10) business days from receipt of the application to approve or deny the sign permit application. If the Administrative Official fails to render a decision on a sign permit application that appears to meet the provisions of this Code and other applicable regulations within ten (10) business days, the applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided for denied permit applications upon request of the applicant. All decisions rendered by the Administrative Official concerning sign permit applications can be appealed to the Board of Adjustment by the applicant.

G. Sign erection deadline: Permit for any sign not erected within six (6) months of date of issuance shall be void.

H. Fees: Fees shall be submitted to the City Clerk, upon approval of the application, in the amount set by the schedule of fees set by the City Council. If a penalty has been assessed for non-compliance, both the penalty and the normal permit fee must be paid before a permit shall be issued.

**Section 10.03.0. Penalty**

Any person, firm or corporation who fails to obtain a sign permit shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

**Section 10.04.0. Permit Exemptions**

The following signs are exempted from the sign permit requirements but must comply with all other requirements of this title:

- A. Memorial signs and building markers.
- B. Temporary signs.
- C. Windows displays and signs painted on windows.
- D. Signs advertising the sale of real property.
- E. Banners shall be exempt when used to announce a specific event, provided that they are not placed more than thirty (30) days prior to the event and that they are removed within 72 hours following the event.

**Section 10.05.0. Prohibited Signs**

The following signs are prohibited within the city limits:

- A. Unsafe signs
- B. Traffic hazard signs
- C. Abandoned signs
- D. Signs within the public right-of-way
- E. Roof signs
- F. No signs may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, or building roofs
- G. Billboards
- H. Signs on public property, except as authorized by the City of Brookland or other governmental institution
- I. Signs in Commercial and Industrial zones advertising goods or services for an off-premise entity

**Section 10.06.0. Exemptions**

The following are exempted from these sign regulations.

- A. The message and content of signs

- B. Product dispensers
- C. Scoreboards and other signs acknowledging sponsors on athletic fields
- D. Flags of any nations, government, or non-commercial organization
- E. Gravestones
- F. Barber Poles
- G. Religious symbols
- H. Display of street address numbers
- I. Any display or construction not defined as a sign
- J. Decorations which are seasonal, clearly incidental and customarily associated with any national holiday, local holiday, or religious observance
- K. Utility Location Signs

***Section 10.07.0. Placement and Construction Standards***

Unless otherwise provided in this code, the following regulations shall apply to all signs, billboards, and off premise signs in the City.

- A. Prevention of Access: No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.
- B. Obstructions of Vision: On any corner lot no sign shall be erected in a way that prevents vision of the roadway between a height of two (2) feet and ten (10) feet within twenty-five (25) feet along the property line from the property corner.
- C. Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the Administrative Official. This requirement supersedes all other setback and coverage regulations.
- D. Interference with Utilities: No sign shall interfere with the safe operation of all utilities by being placed within five (5) feet of a utility easement or designated utility safety zone or within ten (10) feet of a fire hydrant.
- E. Construction Standards: All signs and sign structures shall conform to the applicable building standards adopted by the City of Brookland. All electrified sign installers and maintenance operators shall be required to submit proof of licensure pursuant to Arkansas State Law.

## **Section 10.08.0. Sign Allowed by Zoning District**

### **10.08.1. All Zoning Districts**

Construction Signs: One (1) sign per construction site denoting a new construction or development and featuring the name of the development or construction company shall be allowed. Such signs shall not exceed forty (40) square feet in size and sixteen (16) feet in height and must be placed outside of all public rights-of-way. Such signs shall be removed once construction of the site is complete.

### **10.08.2. Downtown Commercial District (C-1)**

#### **A. Wall Signs.**

1. Area: All wall signs shall not exceed ten percent (10%) of the total square footage of the wall on which the sign is placed. The maximum size for a wall sign on a single tenant structure shall be 75 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 75 square feet per wall.

The maximum size for a wall sign on a multiple tenant structure shall be 75 square feet. The maximum total square feet for all wall signs on a multiple tenant structure shall be 75 square feet for each occupant or ten percent (10%) of the total square footage of the exterior wall of the occupant's space, whichever is less.

2. Height: The maximum height for wall signs shall be thirty-six (36) feet.

#### **B. Projecting Signs.**

1. Number: One (1) projecting sign is allowed per business.
2. Area: The maximum size for a projecting sign is ten (10) square feet. The sign shall not project more than six (6) feet from the building façade.
3. Height: The projecting sign must have clearance from the ground of at least eight (8) feet.

#### **C. Temporary Signs.**

1. Number: Two (2) temporary signs are allowed while a building or property is under construction or renovation, while the property is for sale/lease/rent, during a period of 120 days prior and seven (7) days after a public election authorized by the Craighead County Election Commission, or during a special sales or public event.
2. Area: Maximum area is thirty-two (32) square feet, per sign.
3. Height: The maximum height for temporary signs is thirty-six (36) feet.

#### **D. Prohibited Signs.**

Free-standing signs are prohibited in the C-1 Central Business District.

### **10.08.3. General Commercial (C-2) and Industrial (I-1)**

#### **A. Wall Signs.**

1. Area: All wall signs shall not exceed ten percent (10%) of the total square footage of the wall on which the sign is placed. The maximum size for a wall sign on a single



tenant structure shall be 75 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 75 square feet per wall.

The maximum size for a wall sign on a multiple tenant structure shall be 75 square feet. The maximum total square feet for all wall signs on a multiple tenant structure shall be 75 square feet for each occupant or ten percent (10%) of the total square footage of the exterior wall of the occupant's space, whichever is less.

2. Height: The maximum height for wall signs shall be thirty-six (36) feet.

B. Projecting Signs.

1. Number: One (1) projecting sign is allowed per business.
2. Area: The maximum size for a projecting sign is ten (10) square feet. The sign shall not project more than six (6) feet from the building façade.
3. Height: The projecting sign must have clearance from the ground of at least eight (8) feet.

C. Free-Standing Signs.

1. Number: A maximum of one (1) free-standing sign shall be allowed for each commercial or industrial building, excluding directional signs of less than four (4) square feet in size and less than four (4) feet in height.
2. Type: Two (2) types of free-standing signs are permitted, ground-mounted signs and pole signs. Ground-mounted signs may be setback five (5) feet closer towards the street than pole signs and may be permitted to increase the maximum signage size by thirty percent (30%).
3. Area: The maximum size for a free-standing sign for a single tenant structure shall be 100 square feet. The sign surface area shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed. Ground-mounted signs shall be allowed to increase the maximum allowable area by thirty percent (30%).

The maximum size for a free-standing directory sign for a multiple tenant structure shall be 200 square feet. The sign surface area shall not exceed one (1) square foot for every three (3) linear feet of public street frontage, counted from along the street where the sign will be placed. Ground-Mounted Signs shall be allowed to increase the maximum allowable area by thirty percent (30%).

4. Height: The maximum height for poles signs shall be thirty-six (36) feet. Ground-mounted signs shall not exceed eight (8) feet.
5. Setback: All free-standing signs shall be setback at least fifteen (15) feet from the curb/edge of street or the projected edge of the public right-of-way on the Master Street Plan. Ground-mounted signs may be five (5) feet closer to the street or as may be directed by the Arkansas Department of Transportation.

- D. Temporary Signs.
1. Number: Two (2) temporary signs are allowed while a building or property is under construction or renovation, while the property is for sale/lease/rent, during a period of 120 days prior and seven (7) days after a public election authorized by the Craighead County Election Commission, or during a special sales or public event.
  2. Area: Maximum area is thirty-two (32) square feet, per sign.
  3. Height: The maximum height for temporary signs is thirty-six (36) feet.

**10.08.4. All Residential and Agricultural Zones (R-1, R-2, R-3, R-MH, A-1)**

- A. Wall Signs.
1. Number: One (1) wall sign is allowed per single-family dwelling.
  2. Area: The maximum size for a wall sign shall not exceed four (4) square feet.
  3. Height: The maximum height for wall signs shall be twelve (12) feet.
- B. Area Identification Signs.
1. Number: A maximum of two (2) area identification signs are allowed per multi-family housing development or residential subdivision.
  2. Area: The maximum size for an area identification sign shall be forty (40) square feet.
  3. Height: The maximum height for an area identification sign shall be twelve (12) feet.
  4. Setback: All area identification signs shall be setback at least fifteen (15) feet from the curb/edge of street or the projected edge of the public right-of-way of the Master Street Plan, whichever is greater.
- C. Temporary Signs.
1. Number: Two temporary signs are allowed while a building or property is under construction or renovation, while the property is for sale/lease/rent, during a period of 120 days prior and seven (7) days after a public election authorized by the Craighead County Election Commission, or during a special public event.
  2. Area: Maximum area is thirty-two (32) square feet, per sign.
  3. Height: The maximum height for temporary signs is thirty-six (36) feet.
- D. Prohibited Signs.
1. No free-standing signs, except area identification signs
  2. Illuminated signs
  3. Portable signs, except real estate signs
- E. Public Places of Assembly, Educational Facilities, Places of Worship, and Governmental Facilities.

All signs permitted in C-2 Commercial Zones with a 50% reduction on maximum allowed heights and sign area.

***Section 10.09.0. Special Sign Requests.***

Signs not covered within this Article may be approved by the Planning Commission, provided they meet the placement and construction standards of this Code and the request meets the spirit and intent of these regulations.

***Section 10.10.0. Content of Signs***

These regulations are not intended to regulate the message or content of signs. A sign with a non-commercial message may be substituted for a sign with a commercial message wherever such signs are permitted.

***Section 10.11.0. Non-Conforming Signs***

All non-conforming signs in existence at the date of this ordinance shall be considered valid, except, any sign which is determined to be a safety hazard. No non-conforming signs now in existence may be replaced with a non-conforming sign.

## ARTICLE XI. OFF-STREET PARKING AND LOADING REQUIREMENTS

### Section 11.01.0. Off-Street Parking and Requirements

#### 11.01.1. Minimum Standards

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements:

Gross floor area shall be measured as 80% of the floor area of the primary structure.

| <i>Use</i>  | <i>Parking Standards</i>  |
|---|---|
| 1. Dwelling   | Two (2) parking spaces for each dwelling unit.  |
| 2. Hotel or Motel   | One (1) parking space for each rentable sleeping room, plus one (1) parking space per each employee on the largest shift.   |
| 3. Medical or Dental Clinics<br>Offices and Hospitals                                       | Four (4) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time.  |
| 4. Nursing Homes  | One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time.   |
| 5. Community Center,<br>Theater, Auditorium   | One (1) parking space for each four (4) seats based on maximum seating capacity.  |
| 6. Convention Hall, Lodge,<br>Club, Library, Museum,<br>Place of Amusement or<br>Recreation | One (1) parking space for each two hundred fifty (250) square feet of floor area used for assembly or recreation in the building.   |
| 7. Retail Shops   | One (1) parking space for each three hundred (300) square feet of gross floor area of the primary structure.  |
| 8. Office Building  | One (1) parking space for each three hundred (300) square feet of gross floor area of the primary structure.  |
| 9. Commercial Establishment<br>Not Otherwise Classified                                     | One (1) parking space for each four hundred (400) square feet of gross floor area in the primary structure.   |
| 10. Industrial Establishments   | Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used, incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time.   |
| 11. Church Sanctuary  | One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with entities that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary and shall not require crossing an arterial road. |

| <i>Use</i>     | <i>Parking Standards</i>   |
|----------------|--|
| 12. All Others | For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use. |

**11.01.2. Application of Standards**

In applying the standards set forth above, the following shall apply:

- A. Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, or for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than sixty-six percent (66%) of the sum of the separate requirements for each use.
- B. Where a fractional space results, such fraction shall be counted as one (1) parking space.
- C. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
- D. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- E. Where parking is to be provided in the front yard of a multiple-family dwelling, the first the (10) feet adjacent to the street right-of-way line shall not be used for parking but rather shall be prepared and planted with grass, shrubs, trees, or ground cover.
- F. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches.
- G. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
- H. Adequate parking spaces shall be provided to meet ADA Accessibility requirements.
- I. The standards may be waived or modified by the Planning Commission.

**Section 11.02.0. Off-Street Loading and Unloading Requirements**

The following requirements shall apply to off-street loading and unloading facilities:

- A. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.
- B. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet

of floor space, plus one space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet of gross floor area.

- C. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

#### ***Section 11.03.0. Other Requirements***

##### ***11.03.1. Paved Surface Required***

The owner/developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access to warehouse bays; and all other areas shall be improved with grass, ground cover and/or landscaping.

##### ***11.03.2. Driveways***

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in I-1 and C-2 zones.

##### ***11.03.3. Buffer***

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five (5) feet nor more than seven (7) feet. Such fence or wall shall be maintained in good condition.

##### ***11.03.4. Size***

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

## **ARTICLE XII. NONCONFORMING STRUCTURES AND USES**

### ***Section 12.01.0. Nonconforming Use of Land***

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of adoption of these regulations.
- B. If no structural alterations are made, a nonconforming use of the land may be changed to another nonconforming use of the same or more restrictive classification. In no case shall the use of the land be transferred to a more intensive nonconforming use. For example, a nonconforming commercial use shall not be changed to an industrial nonconforming use.
- C. When a nonconforming use has been discontinued or abandoned for a period of more than six (6) months, the use may not be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located.

### ***Section 12.02.0. Nonconforming Structure***

Where a lawful structure exists on the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restriction on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

- A. Upon approval of the Board of Adjustment, such structure may be remodeled or repaired to maintain the premises in a safe and usable condition.
- B. In the event that any structure that is devoted in whole or part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than seventy percent (70%) of the current replacement value immediately prior to such damage or destruction, the structure shall not be restored unless to conform to all requirements of the zoning district in which such structure is located.
- C. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure will conform to the requirements of the zoning district in which it is being relocated.
- D. A nonconforming structure upon the approval of the Board of Adjustment may be added to and/or enlarged if said addition or enlargement meets the area requirements of the zoning district in which the structure is located, provided said use of the structure is then in conformance with these regulations.
- E. A nonconforming residential structure, upon approval of the Board of Adjustment, may be added to and enlarged if such action does not create any further non-conforming effect or element.

- F. A nonconforming mobile home or manufactured home, when removed, shall not be returned or replaced by another mobile home or manufactured home, except that a mobile home may be replaced with a manufactured home within a nonconforming mobile or manufactured home park.

***Section 12.03.0. Nonconforming Use of Structure***

If a lawful use of a structure or of structure and premises in combination exists on the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, said lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted in these regulations in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any of the site outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use and that it is not of greater intensity.
- D. Any nonconforming use, once changed to a conforming use, shall conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- E. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the requirements of the district in which it is located.



## **ARTICLE XIII. AMENDMENTS TO ZONING CODE AND MAP**

### ***Section 13.01.0. General***

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

### ***Section 13.02.0. Requests for amendments***

The following may initiate a request to amend this Code:

- A. A member or members of the City Council.
- B. A member or members of the Planning Commission.
- C. The owner of a property or his/her appointed agent.

### ***Section 13.03.0. Amendments initiated by the City Council***

Amendments 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 Section 13.04.0, below.
- B. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance with approval of two-thirds (2/3) of the City Council.

### ***Section 13.04.0. Amendments initiated by the Planning Commission***

Amendments initiated by the Planning Commission may be made by the following procedures.

- A. The Planning Commission may consider amendments or additions to the Zoning Code.
- B. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission must first consider and adopt any necessary changes to the plan.
- C. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the comprehensive plan, if required.
- D. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Brookland.
- E. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire City and notice to individual property owners shall be not be made unless by Planning Commission decision. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least fifteen (15) days prior to the public hearing at which the changes will be considered.

- F. Following the public hearing, the proposed amendments may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- G. Following its adoption of the amendments of the Zoning Code or adopted plans, the Commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

***Section 13.05.0. Amendments Initiated by Property Owners***

Amendments by property owners may be made in the following manner.

- A. An application for amendment shall be filed at the main desk in City Hall.
- B. The application for a Zoning Map Amendment shall contain the following information:
  - 1. Name and address of applicant.
  - 2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
  - 3. Address and legal description of property.
  - 4. A map of the subject property, delineating:
    - a. the dimensions of the property;
    - b. approximate location of buildings with appropriate dimensions;
    - c. land uses of adjacent properties.
    - d. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
    - e. The application shall be accompanied by the prescribed fee.

C. Hearing on Application

Upon receiving the application, the Administrative Official shall set a date for a public hearing.

Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Brookland. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a sign on the property involved by the applicant at least fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant.

At least seven (7) days prior to the public hearing, the applicant must provide proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) days prior to the public hearing.

The application shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

D. Finding of Fact

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 the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.

E. Authorization by City Council

Any amendment will require a two-thirds (2/3) vote by the City Council for approval by ordinance.

F. Effect of Denial of Amendment

No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

## **ARTICLE XIV. CONDITIONAL USES**

### ***Section 14.01.0. Purpose***

Certain uses may or may not be appropriately located within various districts throughout the City of Brookland due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed under the various districts herein as "conditional uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate within the district.

### ***Section 14.02.0. Application for Conditional Use Permit***

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following documents:

- A. Name and address of the applicant
- B. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.
- C. Address and legal description of the property.
- D. Maps of the property as follows:
  - 1. A vicinity map to scale showing property to be re-zoned clearly outlined in the center of a circle with a radius of one-quarter mile.
  - 2. A paper copy of the plot plan or site layout of the subject property to scale and clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.
- E. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees, and the anticipated cost of publication of notice.

### ***Section 14.03.0. Hearing on Application and Notice Requirements***

- A. Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Conditional Use within thirty (30) days of the filing of the application.
- B. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Brookland.
- C. The cost of the publication of the notice shall be paid by the Applicant.
- D. The applicant shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than fifteen (15) days prior to the hearing.

#### ***Section 14.04.0. Finding of Fact***

For the Planning Commission to approve an application for a proposed Conditional Use, a majority of the Commission must find that each of the following facts exist with respect to the application.

- A. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- B. The proposed Conditional Use will not harm other property in the neighborhood;
- C. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
- D. The proposed land use is compatible with other area properties;
- E. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- F. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
- G. Proposed Conditional Use signs shall be in accordance with this Code;
- H. Open spaces located on the proposed Conditional Use shall be maintained by the owner/developer;
- I. The size and shape of the site, including size. Shape and arrangement of proposed structures is in accordance with this Code;
- J. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

#### ***Section 14.05.0. Conditions of Conditional Use***

The Planning Commission may include such conditions or restrictions upon the construction may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

- A. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.
- B. Changes to the use of property not covered by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

#### ***Section 14.06.0. Deadline for Planning Commission Decision***

Within thirty (30) days after the close of a public hearing on a proposed Conditional Use, the Planning Commission shall approve or deny the application.

***Section 14.07.0. Effect of Denial of a Conditional Use***

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

***Section 14.08.0. Lapse of a Conditional Use Permit***

A Conditional Use Permit granted hereunder shall lapse and become void:

- A. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.
- B. In the case where any of the specific terms and conditions of a conditional use permit are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within forty-five (45) days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

## **ARTICLE XV. BOARD OF ADJUSTMENT**

### ***Section 15.01.0. Organization***

- A. A Board of Adjustment is hereby established to consist of the members of the Planning Commission.
- B. All members of the Board shall be residents of the City of Brookland.
- C. No more than one-third (1/3) of the members of the Board shall hold an elective office in the City government.
- D. The officers of the Planning Commission shall hold the same offices in the Board of Adjustment.

### ***Section 15.02.0. Meetings and Hearings***

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

### ***Section 15.03.0. Powers and Duties***

- A. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.
- B. The Board shall 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, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.
- C. The Board of Adjustment shall not permit as a variance, any use in a zone that is not permitted under the Code.
- D. The Board of Adjustment may impose conditions in granting of a variance to insure compliance and to protect adjacent property.

### ***Section 15.04.0. Appeals***

A decision of the Board of Adjustment may be appealed to a court of record having jurisdiction in Craighead County, Arkansas.

### ***Section 15.05.0. Procedure for Variance Applications***

- A. Application for Variance

An application for a variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee and the anticipated cost of publication and notice. The application shall contain the following information and include the following documents:

1. Name and address of applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the variance is proposed.
3. Address or description of the property.
4. A list of the names and addresses of owners of all adjoining properties.
5. A map of the subject property, delineating:
  - a. the dimensions of the property;
  - b. approximate location of buildings with appropriate dimensions;
  - c. land uses of adjacent properties.

B. Hearing on Application

1. Upon receiving the application, the Board of Adjustment shall hold a public hearing on the proposed variance within thirty (30) days.
2. Notice of such hearing shall be published by the City at least (1) one time not less than seven (7) days prior to the public hearing.
3. The cost of the publication of the notice shall be paid by the applicant.

C. Finding of Fact

For the Board of Adjustment to approve an application for any proposed variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship for the owner, as distinguished from a mere inconvenience.
2. The conditions causing the need for a variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.
4. The granting of the variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
5. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;



6. The proposed variance complies with the spirit and intent of restrictions imposed by this Code.

D. Conditions of Variances

The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said variance after a specified period of time, and off-street parking and loading requirements.

E. Deadline for Board of Adjustment Decision

Within thirty (30) days after the close of the public hearing, the Board of Adjustment shall make a written finding of fact and submit its decision to the Administrative Official.

F. Effect of Denial or a Variance

No application for a variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.

G. Lapse of Variance

A variance granted hereunder shall lapse and become void:

1. Where no building or construction is involved, approvals for the use of the property for which the variance is issued shall expire within six (6) months if not begun.
2. Where buildings or construction is involved, if a building permit for the construction tied to the variance is not issued within six (6) months or completed within two (2) years, the approval shall expire.

## ARTICLE XVI. DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word “shall” is mandatory and not discretionary. The word “person” includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster’s Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

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| Abutting:                          | Having property of district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.   |
| Access:                            | The way or means by which a piece of property is approached or entered.  |
| Accessory Buildings<br>And Uses:   | An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulations) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When “accessory” is used in the text, it shall have the same meaning as accessory use. |
| Accessory Dwelling Unit (ADU):     | A self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and is intended for residential occupancy.   |
| Accessory Dwelling Unit, Attached: | An accessory dwelling unit, as defined herein, which is attached to the principal single-family dwelling by means of at least a portion of a shared common wall or by a common roof with no greater than 10 feet of wall separation from the principal single-family residence. Entry to the ADU must be independent of the principal single-family residence.   |
| Accessory Dwelling Unit, Detached: | An accessory dwelling unit, as defined herein, which does not share a common wall or roof with and is separated by a minimum of 10 feet of yard space from the principal single-family dwelling.   |

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| Accessory Dwelling Unit, Internal: | An accessory dwelling unit, as defined herein, which is wholly contained within the principal single-family dwelling, but still accessed independently of the principal single-family residence.   |
| Addition:                          | Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.  |
| Alley:                             | A permanent public service way, which affords only a secondary means of access to abutting property.   |
| Apartment:                         | See Dwelling, Multiple.  |
| Authorized Agent:                  | A person or persons authorized by the landowner to act on his/her behalf.  |
| Buffer:                            | A strip of land lying parallel to adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use. |
| Buildable Area:                    | The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.   |
| Building:                          | Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel, or property and forming a construction that is safe and stable; the word building shall include the word structure.  |
| Building, Attached:                | A building that shares a continuous wall, roof, floor, or other structural element with another adjacent building.   |
| Building, Detached:                | A building having no wall, roof, floor or other structural element in common with another building.  |
| Building, Coverage:                | The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.   |
| Building, Façade:                  | The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.  |
| Building, Height:                  | The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height   |

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|                           | level between the eaves and ridge of a gable, hip, or gambrel roof.  |
| Building, Line:           | A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.  |
| Building, Nonconforming:  | An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in these regulations applicable to the district in which the building is located.   |
| Building, Principal:      | A building in which is conducted the main or principal use of the lot on which said building is situated.  |
| Certificate of Occupancy: | Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.   |
| City:                     | The City of Brookland, Arkansas.   |
| Child Care Facility:      | <p>For the purposes of these regulations, a “child care facility” is any facility which provides training, education, or supervision for any unrelated minor child for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. Such a facility may or may not be licensed by the State. This definition shall not include:</p> <ol style="list-style-type: none"> <li>1. public and private schools organized, operated or approved under the laws of this State;</li> <li>2. custody of children fixed by a court of competent jurisdiction;</li> <li>3. children related by blood or marriage within the third degree of the custodial persons;</li> <li>4. churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities;</li> <li>5. businesses that set aside a portion of their facility for the care and supervision of the children of employees. Such a service shall be incidental to the primary operations of the business and be provided exclusively</li> </ol> |

as a service and convenience to employees of the business.

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| Child Care Center:         | A non-residential facility which provides care, training, education, or supervision for six (6) or more unrelated, minor children for care, training, education, or supervision for any unrelated, whether or not the facility is operated for profit or charges a fee for services. This includes but is not limited to a nursery/nurseries/nursery school, day care, and private kindergarten, when operated independently of grade one (1) and above. Such facility shall be licensed by the State. |
| Child Care, Home Day Care: | A situation or arrangement in which a resident provides care for and supervision of fewer than sixteen (16) children from more than one (1) family, including any children for whom the provider is a parent, guardian, or custodian, in a family residence with a homelike environment. State registration/licensing requirements may apply.  |
| Clinic, Dental/Medical:    | A facility for the examination and treatment of ill and afflicted human outpatients; provided however, that patients are not kept overnight except under emergency conditions.   |
| Commission:                | The Brookland Planning Commission.   |
| Conditional Use:           | Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article XIV of these regulations.   |
| Corner Lot:                | A lot located at the intersection of two streets not sharing the common centerline.  |
| District Zoning:           | Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height and coverage of buildings and other structures are uniform.   |
| Drive In, Commercial Use:  | Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive in restaurants, drive in theaters, and similar uses.   |
| Dwelling:                  | Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers. The "living quarters" must contain spaces for bathing, sleeping and meal preparation and eating.  |
| Dwelling, Single-Family:   | A dwelling designed to be occupied by one (1) family.  |

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| Dwelling, Two-Family:          | A dwelling designed to be occupied by two (2) families living independently of each other.  |
| Dwelling, Multiple-Family:     | A dwelling designed for occupancy by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.   |
| Dwelling, Townhouse/Row House: | Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one (1) family.   |
| Easement:                      | A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage given by the owner of land to another party.   |
| Administrative Official:       | That individual designated by the City to enforce the requirements set forth in these regulations.  |
| Family:                        | One or more person occupying a dwelling unit on a permanent basis and functioning as a single, nonprofit housekeeping unit, sharing common cooking facilities and being distinguished from any form of group housing such as a boarding house, rooming house, lodging house, fraternity, sorority, or other group home where association is nonpermanent or seasonal. |
| Fence:                         | A man-made barrier constructed to provide privacy or visual separation between one ownership and another.   |
| Floor Area:                    | The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.   |
| Garage, Private:               | An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.  |
| Garage, Public or Repair:      | A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.   |
| Gasoline or Service Stations:  | Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.  |
| Gross Floor Area (GFA):        | The sum of the gross horizontal areas of all floors of a building, including interior balconies and mezzanines as measured between the exterior faces of walls including the walls of roofed porches having more than one (1) wall. The GFA of a building   |

shall include the floor area of all accessory structures located on the same lot or parcel.

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| Home Occupation:            | Any use customarily conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation.  |
| Hospital:                   | An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.  |
| Hotel:                      | A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint. |
| Kennel:                     | Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.  |
| Loading Space (Off Street): | Any unobstructed, hard-surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.  |
| Lot:                        | A parcel of land, legally defined in a recorded deed or recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish one (1) building site.   |
| Lot Area:                   | The total horizontal area included within the lot.  |
| Lot Coverage:               | The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.  |
| Lot Depth:                  | The mean horizontal distance between the front line and the rear lot line, or the distance between the midpoint of the rear lot line.   |

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| Lot, Double Frontage: | A lot having frontage on two (2) non-intersecting streets.  |
| Lot, Interior:        | A lot other than a corner lot.  |
| Lot Line, Front:      | The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.  |
| Lot Line, Rear:       | That property boundary line which is generally parallel to and most distant from the front line of the lot.   |
| Lot Line, Side:       | A lot line other than a front or rear lot line.   |
| Lot Line:             | The property boundary lines.  |
| Lot of Record:        | A parcel of land that is a lot in a subdivision recorded in the records of the Craighead County Recorder's Office, or that is described by a metes and bounds description.  |
| Lot Width:            | The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.  |
| Manufactured Home:    | A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development. |
| Mobile Food Unit:     | Any business which sells edible goods to customers from a stationary location within the City of Brookland, Arkansas, including, but not limited to Mobile Food Trucks, Mobile Food Trailers, and Concession Pushcarts.   |
| Mobile Food Vendor:   | Any person who works at or within one of the mobile food units, as defined herein, and prepares food on-site and/or sells edible goods to customers for consumption on- or off-premise.   |
| Mobile Home:          | A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty   |



(320) square feet, and is designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load requirements of the Building Code of the City of Brookland, Arkansas.

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| Motel:                            | A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.  |
| Nonconforming Building/Structure: | Any building or structure lawfully existing on the effective date of these regulations, as amended, which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Article XII.) |
| Nonconforming Use:                | Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Article XII.)  |
| Nursing Home:                     | Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.   |
| Open Space:                       | Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.  |
| Parking Lot:                      | An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.  |
| Parking Space:                    | An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than nine (9) feet x twenty (20) feet.  |

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| Permitted Use:        | Those uses specifically listed in these regulations as allowed without any further review by the Planning Commission or City Council.   |
| Pet Shop:             | A commercial operation in which small domestic pets and supplies are sold. This does not include outside boarding of such animals. The operation shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features, and the business shall be operated in a manner that will not adversely affect other properties and uses in the area.   |
| Plan:                 | A fully dimensioned drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.   |
| Plat:                 | An engineering drawing which provides for all data related to a development of land and certified as to accuracy to a land surveyor or engineer.  |
| Principal Use:        | The use which fulfills the primary function of an establishment, institution, household, or other entity.   |
| Public Utility:       | Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.  |
| Reclassification:     | An amendment to or a change reflecting a modification of the zoning district boundary map.  |
| Residence:            | <p>A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:</p> <ul style="list-style-type: none"> <li>(a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or</li> <li>(b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or</li> <li>(c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.</li> </ul> |
| Right-of-Way, Public: | An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.   |

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| Screening:              | See Buffer.  |
| Setback:                | Distance between the lot line and the building line.   |
| Sign:                   | A sign is a structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. |
| Site Plan Review:       | The process whereby the Planning Commission and staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of these regulations.   |
| Story:                  | That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.   |
| Street:                 | Any public or private thoroughfare, which affords the principal means of access to abutting property.  |
| Structure:              | Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.  |
| Structural Alterations: | Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.  |
| Use:                    | A purpose to which land is committed.  |
| Variance:               | An exception from the strict application of the provisions of these regulations.   |
| Yard, Front:            | The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the footing.  |

|                           |   |
|---------------------------|---|
| Yard, Rear:               | The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building. The building shall be measured from the footing.                                       |
| Yard, Side:               | The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the footing. |
| Yard, Exterior:           | Any yard which is adjacent to or parallel to a public or private right-of-way.  |
| Yard, Interior:           | Any yard which does not run adjacent to or parallel with a public or private right-of-way.  |
| Zoning District:          | A section of the City designated in the text in which requirements for the use of land and building and development standards are prescribed.   |
| Zoning District Boundary: | That boundary which separates unlike zoning districts.  |