City of El Dorado, Arkansas
Zoning Code

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Chapter One: Authority and Purpose

Section 1.1 Citation

This Code, in pursuance of the Authority cited in Arkansas Code Annot. §14-56-401 through §14-56-426, shall be known as the Zoning Code and may be cited as such.

Section 1.2 Purpose

A. The City Council deems it necessary, for the purpose and goals of promoting the health, safety, morals, order, and general welfare of the City of El Dorado, Arkansas, to enact these zoning regulations.

B. These zoning regulations are designed to lessen congestion in the streets, to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to stabilize property values; and to insure orderly development of the community for the general welfare of the citizens.

C. These zoning regulations provide for development zones of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of El Dorado, Arkansas.
Chapter Two: Definitions

Section 2.1 Definitions

A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory; the word may is permissive.

2. The words used or occupied shall include the words intended, designed, or arranged to be used for.

3. The word lot includes the words plot and parcel.

4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

B. For the purpose of these regulations, the following terms or words are defined as follows:

1. Accessory Buildings and Uses. An accessory building is a subordinate building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) 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.

2. Adult Daycare Center. Establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

3. Advertising Sign or Structure. Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone or other sign, device, or structure of any character whatsoever, including statuary placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, or structure. The term ‘plate’ shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of the structure. Neither directional, warning, nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be constructed as advertising signs for the purpose of this Code.

4. Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided,
however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

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

6. Apartment. A multiple family dwelling (see "Dwelling, Multiple").

7. Automobile Junk or Salvage Yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

8. Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

9. Bed and Breakfast Inn. An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

10. Billboard. Any advertising structure that has at least one dimension of greater than 12 feet. See "Signs" below for further definition.

11. Block Front. All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

12. Buffer Area. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

13. Buildable Area. The area of that part of the lot not included within the yards or open spaces herein required.

14. Building. Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; and forming a construction that is safe and stable; the word building shall include the word structure.

15. Building, Coverage. The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

16. Building, Height Of. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line that are not intended for occupancy or internal usage by persons.
17. **Building Line.** The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

18. **Building, Main or Principal.** A building that is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

19. **Car Wash.** A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.

20. **Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

21. **Child Care Center.** Any place, home, or institution which receives five or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public schools and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

22. **Church or Place of Religious Worship.** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

23. **Clinic, Dental or 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.

24. **Club or Lodge.** A membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to El Dorado.

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

26. **Commercial Warehouse.** Space used by one or more parties for the storage of merchandise. Material may be transferred into and out of by owner or other authorized persons.
27. **Comprehensive Plan.** An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.

28. **Conditional Use.** A use that may or may not be located within various districts depending upon review and approval by the Planning Commission and City Council.

29. **Controlled Access Highway.** Any state or federal numbered highway, including an interstate highway, within the City of El Dorado, Arkansas.

30. **Convenience Store.** Any retail establishment that is 3,500 square feet or less in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments greater than 3,500 square feet see “Truck Stop”.

31. **Country Club.** A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

32. **Display Surface Area.** The net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, characters, and delineations; provided, however, “display surface area” shall not include the structural supports for free standing signs. One face only of a double-faced sign as defined shall be considered in determining the display surface area.

33. **District, Zoning.** Any section, or 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.

34. **Drive-in Commercial Uses.** 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.

35. **Dwelling, or Dwelling Unit.** Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family.

36. **Dwelling, Attached.** A dwelling having any portion of one or more walls in common with adjoining dwellings.

37. **Dwelling, Detached.** A dwelling having open space on all sides.
38. **Dwelling, Single Family.** A dwelling designed to be occupied by one family.

39. **Dwelling, Two-Family.** A dwelling designed to be occupied by two families living independently of each other.

40. **Dwelling, Multiple-Family.** A dwelling designed for occupancy by three or more families living independently of each other, exclusive or auto or trailer courts or camps, hotels, or resort type hotels.

41. **Dwelling, Townhouse or Row House.** Two 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 family.

42. **Duplex.** (See Dwelling, Two-Family)

43. **Easement.** A property interest granted to a public utility company, the City, or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access. A person may build over a utility easement at his own risk.

44. **Equipment Facility.** Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a build out of an existing structure, pedestals, and other similar structures.

45. **Erect.** To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

46. **Factory-built Home.** Any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.

47. **Family.** One or more persons related by blood or marriage, including adopted children; also may be defined as a group of persons not related by blood or marriage, not to exceed eight persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

48. **Fast-Food Restaurant.** (See Restaurant, Fast-Food, and Restaurant, Drive-In)

49. **Fence.** A structure serving as an enclosure, barrier, or boundary and usually made of post boards, wire, stakes, or rails.
50. **Flood Plain.** Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

51. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

52. **Floodway Fringe.** All that land in a flood plain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

53. **Floor Area.** The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating 2 buildings.

54. **Floor Area, Gross.** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

55. **Floor Area Ratio.** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

56. **Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

57. **Front of Building.** That facade of the building that abuts the required front yard as stipulated in this Zoning Code. The entrance door does not have to be in this facade.

58. **Front of Lot.** The front of lot is usually platted and marked on the plat; if it is not shown on the plat, it is the space parallel to the lot line having the least dimension along the street providing direct vehicular access.

59. **Garage, Private.** An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory and not for commercial repair use.

60. **Garage, Public or Repair.** A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
61. **Gasoline Service or Filling Station.** Any area of land, including structures thereon, that is used for the retail sales of gasoline or oil fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or automatic automobile washing or the sale of butane or propane fuels.

62. **Halfway House.** A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

63. **Hedge.** A barrier or boundary formed by a dense row of shrubs or low trees.

64. **Height.** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

65. **Home Occupation.** Any occupation or profession carried on in a dwelling which is clearly incidental to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading in merchandise is carried on, and in connection with which there is no display of merchandise or sign other than one non-illuminated name plate not more than 6 square feet in area and located not closer than 20 feet from the street right-of-way line; and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The operation of a tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

66. **Hospital.** An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral part of the facilities.

67. **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 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.

68. **Illumination, Direct.** Illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.

69. **Illumination, Indirect.** Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.
70. **Illumination, Indirect.** Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.

71. **Illumination, Spot Light.** Illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

72. **Infill Development.** The development of new housing or other buildings on scattered vacant sites in a built-up area.

73. **Kennel.** Any lot or premises in which four or more dogs, more than six months of age are kept for personal use or boarding.

74. **Land-lease Community.** A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites within the community are leased to individual homeowners, who retain customary leasehold rights.

75. **Lot.** A parcel of land occupied or indented for occupancy by a use permitted in this Code including one main building together with its accessory building, and the open spaces and parking spaces required by this Code, and having its principal frontage upon the street.

76. **Lot of Record.** A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Union County prior to the adoption of this Code.

77. **Lot, Corner.** A lot abutting upon two or more streets at their intersection.

78. **Lot, Double Frontage.** A lot that is an interior lot extending from one street to another and abutting a street on two ends.

79. **Lot Lines.** The lines bounding a lot as defined herein.

80. **Lot Line, Front.** In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

81. **Lot Line, Rear.** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

82. **Lot Line, Side.** Any lot line other than a front or rear lot line as defined herein.

83. **Lot Width.** The width of a lot measured at the front building setback line.

84. **Mall.** Any concentration of retail stores and/or service establishments that share customer-parking areas and are located within an enclosure having public walkways.
whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

85. **Mansard Roof.** Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of ¾ of the length of a side building wall. For purposes of this Code, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

86. **Manufactured Home.** A dwelling built in factory in accordance with the Federal Manufactured Home Construction and Safety Standards.

87. **Manufactured Home Park.** Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

88. **Manufactured Home Subdivision.** A subdivision in which lots are platted to be served by public rights-of-way, designed and intended for sale to individuals who will place a mobile home unit or joining of units, and meeting the requirements of Section 3.6

89. **Mini-Storage.** (See Self-Storage.)

90. **Mobile Home.** A dwelling that was fabricated in a factory, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any existing state definitions.

91. **Modular Home.** A residential dwelling, constructed in a factory to a residential construction code other than the Manufactured Home Construction and Safety Standards.

92. **Motel.** A motel or motor court is a business consisting of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

93. **Non-Commercial Message.** Any sign wording, logo, or other representation that does not directly or indirectly name, advertise, or call attention to a business, product, service, or other commercial activity. Non-commercial signs include, but are not limited to signs expressing a political or religious view and signs of nonprofit organizations related to their tax-exempt purposes.

94. **Non-conforming Structure.** Any building or structure that does not meet the limitations on size and location on a lot, for the district in which such structure is located, for the use to which such building is being put.

95. **Non-conforming Use.** Any building or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the district within which it is located.
94. Nursing Home. Any premises where more than three persons are lodged and furnished with meals and nursing care.

95. Park. An area that is open to the general public and reserved for recreational, educational, cultural, or aesthetic use.

96. 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 automobiles.

97. Parking Space. An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9 feet by 20 feet.

98. Planned Unit Development (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

99. Portable Sign. Any sign that is moveable, portable, capable of or intended to be moveable or portable. Also, a sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or moveable structure. Includes signs non-illuminated, illuminated, or capable of being illuminated. The sign area shall not exceed 32 square feet.

100. Principal Use. The specific primary purpose for which land, building, or structure is used or intended to be used.

101. Professional Office. For purposes of determining permitted uses in the C-4, Neighborhood and Quiet Business District, a professional office is defined as one in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sales to customers.

102. Public Assembly. A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

103. 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.

104. Recreational Vehicle (RV). Self propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.
105. **Restaurant.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

106. **Restaurant, Drive-In.** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

107. **Restaurant, Fast Food.** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

108. **Right-of-Way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

109. **School.** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

110. **Self-Storage.** A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

111. **Service Station.** (See Gasoline Service Station)

112. **Setback.** The required minimum horizontal distance between the structure line and the related front, side, or rear property line.

113. **Shopping Center.** Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.

114. **Sign.** The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the above,
which is not placed out of doors, but which is illuminated with artificial or reflected light placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.

115. **Sign Area.** The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.

116. **Sign, Area Identification.** A sign to identify a common area containing a group of structures, or a single structure on a minimum site of 5 acres, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

117. **Sign, Banner-style.** Any sign printed or displayed upon cloth or other flexible material, with or without frames.

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

119. **Sign, Bulletin Board.** A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.

120. **Sign, Flashing.** An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

121. **Sign, Free Standing.** A sign that is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or other structure whether portable or stationary.

122. **Sign, Identification.** A sign that serves as an identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but shall not portray any other commercial or non-commercial message.

123. **Sign, Illuminated.** Any sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

124. **Sign, Incidental.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.
125. **Sign, Joint Identification.** A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.) and shall include a sign which identifies architects, engineers, contractors and other individuals or firms involved with the construction on the premises. Such sign may name the persons, organizations or businesses included but shall not portray any other commercial or non-commercial message.

126. **Sign, Non-conforming.** A sign existing at the effective date of the adoption of this Code, which could not be built under the terms of this Code.

127. **Sign, Portable.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, included, but not limited to, signs designed to be transported by means of wheels, signs converted to A-or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way in the normal day-to-day transportation operations of the business.

128. **Sign, Projecting.** Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted.

129. **Sign, Public.** A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information or to direct or regulate pedestrian or vehicular traffic.

130. **Sign, Residential.** Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

131. **Sign, Temporary.** Any sign that is used only temporarily and not for a period exceeding 10 days and which is not permanently mounted.

132. **Sign, Wall.** Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Code, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy, shall be considered a wall sign.

133. **Special Permit Use.** (See Conditional Use.)

134. **Storm Shelter.** Storm shelters are not regulated by this Code.

135. **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 not 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 4 feet above the floor of each story.

136. Street. Any public or private thoroughfare that affords the principal means of access to abutting property.

137. 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.

138. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

139. Structure, Single-Family. A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

140. Structure, Two-Family. A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

141. Structure, Multi-Family. A residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

142. Trailer Court. (See Manufactured Home Park)

143. Truck Stop. Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments 3,500 square feet or less see "Convenience Store".

144. Variance. Administrative relief from the literal provisions of this Code in instances where enforcement would cause undue hardship due to circumstances unique to the individual property under question.

145. Wall. An upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.

146. Warehousing. For building code purpose, warehouse space used in connection with and on the same premises as wholesale or retail operation is considered storage space.

147. Yard. The open space between the lot line and the main building line.

148. Yard, Front. The open space between the front lot line and the main building line, extending from side lot line to side lot line; this being the minimum horizontal distance between the front lot line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On
corner lots the front yard shall be considered as parallel to the street upon which the lot has its lease dimension.

149. Yard, Rear. The minimum allowable horizontal distance between the rear lot line and the main building, extending across the rear of the lot between the side lot lines. Neither the main building nor any projection thereof other than steps, unenclosed porches, or entranceways may extend into the required rear yard.

150. Yard, Side. The required open space between the main building line and the sideline of the lot, extending from the front yard to the rear yard.
Chapter Three: Use Zones

Section 3.1 General

The City of El Dorado is divided into the following use zones for the purpose of protecting property values and property rights; protecting the general health, safety, and welfare of local citizens; and achieving function, efficiency, and logic in the future growth and development of the City through the pursuit of the coordinated goals, objectives and policies as set out in the Land Use Plan.

A. Residential Use Zones

Residential use zones are intended primarily for residential structures. The character of the area shall be relatively quiet, have slow speed - low volume traffic, have access to or be served by all utilities and services, and generally offer a pleasant environment for family living. In addition to residential uses, certain other uses that are related to or compliments the residential character of the area may be allowed. These other uses are known as "permitted uses" and are specified in the zone description.

The residential zones are:

- R-1 - Single-family Residential
- R-2 - General Residential
- R-3 - Multi-Family Residential
- R-4 - Manufactured Home Subdivision
- R-5 - Manufactured Home Park

B. Commercial Use Zones

The commercial use zones are intended for the conduct of retail and wholesale trade and services and certain entertainment and amusement activities. These zones shall provide an environment that enhances local and area business endeavors.

The commercial zones are:

- C-1 - Central Business District
- C-2 - General Commercial
- C-3 - Office Commercial
- C-4 - Neighborhood Commercial
C. **Industrial Use Zones**

The industrial use zones are intended to provide attractive areas for industrial activities that have adequate access, offer all utilities and services required by industry, and are not in danger of encroachment by other noncompatible uses.

The industrial zones are:

- I-1 Heavy Industrial
- I-2 Light Industrial

D. **Agricultural - Undeveloped Zone**

The Agricultural - Undeveloped zone includes areas on the urban fringe that are in a state of transition, i.e. they are changing or will change in the foreseeable future from agriculture or undeveloped to urban. These are basically undesignated areas that will be zoned as development reaches them.

A-1 - Agricultural - Undeveloped

E. **Planned Unit Developments**

Planned Unit Development Zones are intended mixed use and planned developments. They are based on detailed plans and the actual design can be negotiated with the City. Upon approval the developments can only be carried out in strict conformance with the approved plan.

Specific regulations, standards, and requirements for zones following this section.

Section 3.2 **R-1 Single Family Residential**

A. **General Description**

This is the most restrictive residential zone. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be protected from encroachment or uses which are not appropriate to residential environment. Stability of property value, attractiveness, order, and efficiency are encouraged by providing adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

B. **Uses Permitted**

Property and buildings in a R-1, Single-family Residential Zone, shall be used only for the following purposes:
1. One single-family dwelling per lot.

2. Public park or playground.

3. Home occupation, as defined.

4. Public utilities such as water storage, power substation, fire stations, and sewer lift stations, including easements and pipeline rights-of-way as appropriate to the zone.

5. Swimming pools, tennis courts and similar recreational uses.

6. Accessory buildings which are not a part of the main building, including one private garage; or accessory buildings which are a part of the main building, including one private garage. Accessory buildings shall not exceed 800 square feet in area without approval from the Board of Zoning Adjustment.

7. A temporary bulletin board or sign, not exceeding 12 sq. ft. in area and pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

8. Temporary building of the construction industry which is incidental to the erection of buildings permitted in this zone, and which shall be removed when construction work is completed.

9. Parking lot provided to serve the uses permitted in this zone.

C. Conditional Uses

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter Six.

1. Municipal use, public building, and public utility.

2. Plant nursery in which no building or structure is maintained in connection therewith.

3. Golf course or country club.

4. Places of worship, but not including temporary structures, revival tents or arbors.

5. Public school or school offering general education courses the same as ordinarily given in public schools and having no room regularly used for housing and sleeping.

6. A place of worship bulletin board or sign, not exceeding 15 sq. ft. in area, attached to the main building or located behind the front building line on the same lot with a place of worship building.
D. Area Regulations

All buildings shall be set back from the street right-of-way and lot lines to comply with the following yard requirements:

1. Front yard - 25 feet from property line.

2. Side-yard - minimum 10 feet from each property line, except that an open attached carport may be constructed to within 5 feet of one side yard boundary. Unattached buildings of accessory use shall be a minimum of 5 feet from the side lot line.

3. Side yard street - 25 feet from all street right-of-way property lines.

4. Rear yard - the main building shall be a minimum of 20 feet from property line or center of alley where one exists. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than 10 feet to the rear lot line where no alley exists, and where an alley exists not closer than 3 feet to the alley right of way.

5. Lot width - the minimum width of a lot at the front building line shall be 50 feet for single family dwelling.

6. Lot area - a minimum of 7,000 sq. ft. shall be provided for each single-family dwelling unit.

7. All dwellings shall front on a public street.

8. Off-street parking space - refer to Chapter Four.

E. Height Regulations

When the maximum height of a structure exceeds 2 ½ stories, it shall be approved by the Board of Zoning Adjustment to insure a safe and healthful environment.

Section 3.3 R-2 General Residential

A. General Description

This is a residential zone to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted. Stability of the property value, attractiveness, order and efficiency are
encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the zone.

B. Uses Permitted

Property and buildings in a R-2 General Residential Zone shall be used only for the following purposes:

1. One single-family dwelling per lot.
2. One two-family dwelling per lot.
3. Multi-family dwellings not to exceed four units per lot.
4. Manufactured home dwelling units which meet FHA Real Property guidelines.
5. Other uses as allowed in the R-1 Single-Family District.
6. Accessory buildings which are not a part of the main building, or accessory buildings which are a part of the main building. Accessory buildings shall not exceed 800 square feet in area without approval from the Board of Zoning Adjustment.

C. Conditional Uses

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter Six.

1. Any use permitted as a Conditional Use in a R-1 Single-family Dwelling zone.
4. Schools offering a general education course.
5. Child care center, public or private.
6. Rooming or boarding houses.
7. Garage apartments.
8. Home occupation, as defined.
9. Accessory buildings and uses customarily incidental to the above conditional uses when located on the same lot.

11. Multi-Family developments not exceeding 12 units per acre.

D. Area Regulations

All buildings shall set back from street right-of-way lines or lot lines to comply with the following yard requirements:

1. Front yard - 25 feet from property line.

2. Side yard - all buildings shall be a minimum of 5 feet from each property line.

3. Side yard street - 25 feet from all street right-of-way/property lines.

4. Rear yard - the main building shall be a minimum 20 feet from property line or center of the alley, where one exists. Unattached accessory buildings may be located in the rear yard of a main building, provided however, that no accessory building shall be located closer than 10 feet to the rear lot line where no alley exists, and where an alley exists no closer than 3 feet to the alley right of way.

5. Lot width - there shall be a minimum lot width of 50 feet at the front building line for single-family dwellings and 10 feet additional width at the front building line for each family, more than one, occupying a dwelling. Minimum lot width at the street shall be not less than 35 feet.

6. Lot area - for each single-family dwelling and building accessory thereto, there shall be a lot area of not less than 6,000 sq. ft. A two-family dwelling shall be located on a lot of not less than 9,000 sq. ft. Multi-family dwellings shall be located on a lot a minimum of 9,000 sq. ft. for the first two family units plus 2,000 sq. ft. for each additional unit, to a maximum of 4 units per structure.

7. All dwellings shall have access to a public street.

8. Off-street parking - see Chapter Four.

E. Height Regulations

When the maximum height of a structure exceeds 2 ½ stories, it shall be approved by the Board of Zoning Adjustment to insure a safe, healthful environment.

Section 3.4 R-3 Multi-Family Zone

A. General Description
This zone is established in order to provide high density residential development at a density not to exceed a maximum of twenty four (24) units per acre. No R-3 zone shall be less than one acre in area. It is the intent of this section that this zone be utilized in both the developed and undeveloped portions of the city. The zone shall be restricted to sites abutting collector streets or arterial street where public utilities exist or shall be provided in conjunction with the development. The R-3 zone may also act as a buffer between low density residential areas and non-residential development.

B. Permitted Uses

1. Multi-family residential structures, including elderly housing, at a density not exceeding twenty-four (24) units per acre.

2. Two-family residences

3. Rooming, lodging, and boarding facilities.

4. Manufactured home dwelling units

5. Accessory buildings or uses, including laundry facilities, normally associated with medium to high density multi-family residential development. Accessory buildings may be a part of the main building, or not a part of the main building. Accessory buildings shall not exceed 800 square feet in area without approval from the Board of Zoning Adjustment.

6. All uses allowed in the R-1 and R-2 residential zoning districts.

C. Conditional Uses

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter Six.

1. Nursing Homes
2. Any use allowed as a Conditional Use in the R-1 and R-2 residential zoning districts.

D. Height Regulations

No building erected in an R-3 Zone shall exceed a height of thirty-five (35) feet without approval by the Planning Commission.

E. Dimensions

1. Exterior Yards: All exterior yards or yards which abut dedicated public streets shall have a depth of not less than twenty-five (25) feet.
2. Interior Yards: All interior yards or yards which abut interior property lines or any lot of record shall have a depth equal to the height of any proposed building or structure.

3. Detached Building Separation: All detached buildings shall be separated by a distance of not less than ten (10) feet.

4. Lot Area Per Family: Any development constructed in an R-3 Zone shall provide a minimum lot area per family of two thousand four hundred (2,400) square feet if the density is below eighteen (18) units per acre and one thousand eight hundred (1,800) square feet if the density is above eighteen (18) units per acre.

Section 3.5 R-4 Manufactured Home Park

This zone is intended to provide for orderly developments in which mobile homes, as defined by this code, and manufactured housing units may be located. Such locations shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential zones of the City.

Areas zoned R-4 are generally done so at the request of the property owner. Any individual lot containing three (3) or more manufactured homes must conform to the requirements of either an R-4 or R-5 zone.

DESIGN STANDARDS

Manufactured home parks shall comply with the following requirements:

1. No parcel of land containing less than three (3) acres shall be used for a manufactured home park.

2. Manufactured home parks may locate only in the R-4 Residential District.

3. The development shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.

4. A site development plan shall be submitted 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 area; and the location of service buildings and other proposed structures. If approved, said development shall conform to the site development plan and violation of the plan shall nullify the permit.

5. Individual home spaces shall be provided consisting of a minimum of 4,000 square feet for each space, which shall be at least 40 feet wide and clearly defined on the ground.

6. Homes shall be so harbored on each space that there shall be at least 10 feet between the manufactured home and any other detached structure.

7. Each manufactured home space shall abut a driveway of not less than 20 feet in width,

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which shall have unobstructed access to a dedicated public street. The driveway shall consist of a minimum of six-inch gravel base with two inches of concrete or asphalt surface.

8. Each manufactured home park shall provide service buildings to house each toilet, bathing, and other sanitation facilities and such laundry facilities as the City may require.

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

10. No building or structure erected or stationed in the manufactured home park shall have a height greater than one story or 15 feet.

11. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.

12. There shall be at least two paved parking spaces for each manufactured home space, which shall be on same site or located in grouped parking bays specifically designed for such purpose close to the site served. Spaces will consist of a six-inch gravel base with two inches of concrete or hot mix asphalt surface.

13. A landscaped strip of open space shall surround the Manufactured Home Park 25 feet wide along all street and other property lines. This area shall not be included as part of any manufactured home space.

14. 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.

15. Accessory buildings and uses are permitted in the R-4 District. Accessory buildings or use may be a part of the main building or not a part of the main building. Accessory buildings shall not exceed 800 square feet in area without approval from the Board of Zoning Adjustment.

Section 3.6 R-5 Manufactured Home Zone

This zone is intended to provide zones specifically designed for manufactured homes. The zone will be similar to other residential zones in all aspects except that maximum lot sizes may be reduced. Areas zoned R-5 are generally done so at the request of the property owner. Any individual lot containing three (3) or more manufactured homes must conform to the requirements of either an R-4 or R-5 zone.

A. Permitted Uses

1. One manufactured home per lot.

2. Public utilities such as water storage, power substations, and sewer lift stations.
3. Accessory buildings and uses pertinent to the principal structure and use. Accessory buildings shall not exceed 800 square feet in area without approval from the Board of Zoning Adjustment.

B. Conditional Uses

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter Six.

1. Places of Worship

C. Bulk and area regulations

1. Minimum lot area: 5000 square feet
2. Minimum lot width: 40 feet
3. Required yard setbacks: Same as R - 2 Zone
4. Maximum building height: Same as R - 2 Zone
5. Maximum structure coverage: Same as R - 2 Zone
6. Parking requirements: Two hard surfaced spaces per lot
7. Sign requirements: Same as R - 2 Zone

Section 3.7 C-1 Central Business District

A. General Description

This commercial zone is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. In general terms, the Central Business District is the area generally regarded as “Downtown El Dorado.” As such it is exempted from normal off-street parking requirements and setbacks. This area is not expected to expand geographically but is expected to expand in diversity of use, including residential.

B. Uses Permitted

Property and buildings in the C-1-Central Business District shall be used only for the following purposes:

1. Retail establishments providing goods and services such as grocery, drug, hardware, and
variety stores.

2. Hotels, restaurants, and bed and breakfast facilities.

3. Office and bank buildings and uses.

4. Apartments, townhouses, and condominiums, including conversion of upper stories of retail building for residential use. Off-site parking may be used to meet parking requirements for residential development.

5. Processing, manufacturing, wholesaling and warehousing that by reason of operation do not constitute a nuisance to adjacent uses in respect to noise, odor, dust, vibration, etc.

6. Bulk storage of noncombustible material.

7. Public and institutional uses and buildings.

C. Height

There are no height restrictions in the C-1 zoning district.

D. Rear Yard

Minimum - 20 feet from property line or center of alley, where one exists.

E. Fire Limits

Land in the Central Business District shall be included within the fire limits of the City of El Dorado, Arkansas.

F. Screening Requirements

Where property zoned C-1 abuts a residential zone, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two zones a minimum of 8 feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway.

Section 3.8 C-2 General Commercial

A. General Description

This zone is designed to accommodate establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which may serve the entire community, but
are not suitable for location in the Central Business District or Office Commercial Zone. This is the least restrictive of the commercial zones except the Central Business District.

B. Uses Permitted

The following type uses are suitable for the C-2 zone. Where similar uses not listed are requested, the Public Works Director shall first make a determination as to the suitability of the use. Such determinations may be appealed to the Board of Zoning Adjustment.

1. Any use permitted in the C-1, C-3, or C-4 Zone.
2. Amusement enterprises.
3. New and used automobile sales and service, new and used machinery sales and services, and public garages.
4. Advertising signs or structures.
5. Ambulance service, office or garage.
6. Automobile service stations.
8. Boat sales.
12. Clothing store.
13. Day Care Center, Adult or child
14. Department store.
15. Drive-in theater or restaurant.
17. Feed and fuel store.
18. Food store.
19. Frozen food locker.

20. Furniture repair and upholstery.


22. Garden stores.

23. Golf course, miniature or practice range.

24. Heating and plumbing sales and service.

25. Veterinary hospital.

26. Interior decorating store.

27. Ice plant.

28. Key shop

29. Kennel.

30. Laundry.

31. Motel.

32. Music, radio, and television shop and repair.

33. Novelty shop.

34. Pet shop.

35. Printing shop or plant.

36. Public uses.

37. Recreation center.

38. Research laboratories.


40. Sign painting shop.

41. Sporting goods store.
42. Stockbroker.

43. Theater.

44. Wholesale distributing center.

45. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

46. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, or traffic than those uses listed above.

C. **Area Regulations**

1. **Front Yards**

Front yard setbacks are flexible according to the design proposed by the applicant. The following process will be followed in establishing the front yard setbacks in the C-2 zone:

a. For front yard setbacks of 25 feet or greater, only a building permit is required.

b. For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

   1. A site plan shall be submitted for Planning Commission review at least 10 days prior to the next Planning Commission meeting.

   2. The site plan shall be drawn to scale on 24” x 36” bond paper and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, dumpster locations, landscaping, signage, and lighting.

   3. A written justification shall be submitted outlining why the proposed front yard setback is in harmony with other development in the area.

C. The Planning Commission shall consider the following in approval of front yard setbacks:

   1. That there are no existing plans that will require additional street right-of-way or utility right-of-way.

   2. That the proposed setback will not be out of alignment with adjoining properties.

   3. That the proposed setback will not pose a threat to public health, safety, and
d. Islands for gasoline and diesel fuel pumps when situated on a state or federal highway, may be set to within 15 feet from street property line, as provided for and in conformance with Arkansas State law.

2. Side Yards

Side yard setbacks shall be approved by the Fire Marshall.

D. Height Regulations

Any structure that is designed to have a maximum height of greater than 3 stories or 35 feet shall be approved by the Board of Zoning Adjustment.

E. Off-street Parking

See Chapter Four. In all cases the forwardmost 25 feet of the front yard shall not be used for parking unless property control is provided through curb lines, entrances and exits; and in no case will parking be permitted in a manner so as to result in automobiles backing into any street or otherwise interfering with moving traffic.

F. Loading and Unloading

Loading and unloading facilities shall be provided so as to prevent obstruction of any public way.

G. Screening Requirements

Where property zoned C-2 abuts a residential zone, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two zones a minimum of 8 feet in height; except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway.

Section 3.9 C-3 Office Commercial

A. General

This commercial zone is intended to provide a quiet office environment, and should be used to provide a buffer between major traffic ways or intense commercial zones and residential zones.

B. Uses Permitted
The following type uses are suitable for the C-3 zone. Where similar uses not listed are requested, the Public Works Director shall first make a determination as to the suitability of the use. Such determinations may be appealed to the Board of Zoning Adjustment.

2. Rooming or boarding house.
3. Garage apartments.
4. Apartment hotels.
5. Art Gallery,
6. Assembly buildings for nonprofit corporation or institution.
8. Barber shop.
10. Laboratory for research and testing.
11. Library.
12. Hospital sanatorium, convalescent or nursing home, and other medical facilities.
14. Office buildings including, but not necessarily limited to, doctors, dentists, lawyers, architects, engineers, Realtors, and insurers.
15. Pharmacies.
17. Studio for professional work and including the teaching of any form of fine arts, such as music, drama, dance, or photography.
18. Public and private schools.
19. Recreational uses associated with and maintained primarily for the benefit and use of occupants and families of other permitted uses.
20. Shops and stores associated with and incidental to permitted uses listed above.
21. Buildings and structures and uses customarily incidental and accessory to the above uses.

22. Parking lots as required by permitted uses listed above.

C. Area Regulations

1. The area requirements for dwellings and buildings accessory thereto shall be the same as requirements for uses in the R-2 Residential zone.

2. The following requirements shall apply to all other uses permitted in this zone.

a. Front Yards

Front yard setbacks are flexible according to the design proposed by the applicant. The following process will be followed in establishing the front yard setbacks in the C-3 zone:

(1) For front yard setbacks of 25 feet or greater, only a building permit is required.

(2) For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

i. A site plan shall be submitted for Planning Commission review at least 10 days prior to the next Planning Commission meeting.

ii. The site plan shall be drawn to scale on 24” x 36” bond paper and shall clearly indicate the proposed location of all buildings, parking, drives, easements, rights-of-way, dumpster locations, landscaping, signage, and lighting.

iii. A written justification shall be submitted outlining why the proposed front yard setback is in harmony with other development in the area.

(3) The Planning Commission shall consider the following in approval of front yard setbacks:

i. That there are no existing plans that will require additional street right-of-way or utility right-of-way.

ii. That the proposed setback will not be out of alignment with adjoining properties.

iii. That the proposed setback will not pose a threat to public health, safety, and welfare.
b. Side Yards

Where a side yard is adjacent to a residential zone, no building shall be located closer than 25 feet to the side lot line. In all other cases the Fire Marshall shall approve the side yard requirements except where a former dwelling unit has been converted to a different use permitted under Section 3.9.B, side yard requirements will be the same as those for the R-2 residential zone for any new construction.

c. Rear yard

No building shall be located closer than 20 feet to the rear lot line.

d. Coverage

Main and accessory buildings shall not cover more than 50% of the lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

D. Height Regulations

1. Height regulations for dwellings shall be the same as those of the R-2 residential zone.

2. No building or structure shall exceed three stories or 35 feet in height unless approved by the Board of Zoning Adjustment.

E. Screening Requirements

Where property zoned C-3 abuts a residential zone, a planting screen or other visual barrier to be approved by the Board of Zoning Adjustment shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two zones a minimum of 8 feet in height, except that such buffer shall not be placed within 15 feet of the paved surface of a street or highway.

F. Off-street Parking Requirements

Off-street parking shall be provided in accordance with Chapter Four. In all cases the forward most 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless proper control is provided through curb lines, entrances, and exits; and in no case will parking be permitted in a manner so as to result in automobile backing into any street or otherwise interfering with moving traffic.
Section 3.10 C-4 Neighborhood Commercial

A. General Description

This zone is designed to accommodate limited retail developments within or adjacent to neighborhood areas for the purpose of supplying daily household needs of the residents for food, drugs, and personal services. The zone may also be used in conjunction with existing commercial developments as an extension of such established commercial zone. The C-4 Zone shall generally be located at arterial or collector street intersections and within walking distance of residential areas. Such developments shall be designed to accommodate between one (1) to fifteen (15) stores on a site not more than five (5) acres in size.

Unless otherwise specifically provided in this section, the following development criteria shall apply to this zone:

1. Outdoor display is prohibited in any yard.

2. There shall be a maximum gross loadable area of five thousand (5,000) square feet per establishment, except that a single establishment may have more than five thousand (5,000) but not more than ten thousand (10,000) square feet.

3. Off-premise outdoor advertising is prohibited.

4. No use shall be a twenty-four hour per day operation.

B. Uses Permitted

The following type uses are suitable for the C-4 zone. Where similar uses not listed are requested, the Public Works Director shall first make a determination as to the suitability of the use. Such determinations may be appealed to the Board of Zoning Adjustment.

1. All uses permitted in the C-3 zoning district.

2. Bakery or confectionery shop.


4. Barber or beauty shop.

5. Book and stationery store.

6. Camera shop.

7. Places of Worship

8. Cigar, tobacco, and candy store.
9. Clinic (medical, dental or optical.)
10. Clothing store.
11. Community health center.
12. Custom sewing and millinery.
13. Day care center, Adult or child.
14. Drugstore or pharmacy.
15. Religious, charitable or philanthropic office.
16. Florist shop.
17. Food store.
18. Handicraft store.
19. Hardware store.
20. Hobby shop.
22. Key shop.
23. Laundromat.
24. Laundry or pickup station.
25. Lodge or fraternal organization.
26. Office (general and professional)
27. Optical shop
28. Paint and wallpaper store
29. Pet store
30. Photography store.
31. Private school or kindergarten.
32. School.
33. Secondhand store.
34. Shoe repair shop.
35. Studio for private music or speech lessons.
36. Tailor shop.
37. Tool and equipment rental (inside display only).
38. Travel bureau.
39. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
40. Any other store or shop for retail trade or for rendering personal, professional, or business service which does not produce more noise, odor, dust, vibration, or traffic than those uses listed above.

C. Area Regulations

1. The area requirements for dwellings and buildings accessory thereto shall be the same as requirements for uses in the R-2 Residential zone.

2. The following requirements shall apply to all other uses permitted in this zone.

a. Front Yards

Front yard setbacks are flexible according to the design proposed by the applicant. The following process will be followed in establishing the front yard setbacks in the C-4 zone:

(1) For front yard setbacks of 25 feet or greater, only a building permit is required.

(2) For proposed front yard setbacks of less than 25 feet, the applicant shall adhere to the process outlined below:

i. A site plan shall be submitted for Planning Commission review at least 10 days prior to the next Planning Commission meeting.

ii. The site plan shall be drawn to scale on 24" x 36" bond paper and shall clearly indicate the proposed location of all buildings, parking, drives, easements,
rights-of-way, dumpster locations, landscaping, signage, and lighting.

iii. A written justification shall be submitted outlining why the proposed front yard setback is in harmony with other development in the area.

(3) The Planning Commission shall consider the following in approval of front yard setbacks:

i. That there are no existing plans that will require additional street right-of-way or utility right-of-way.

ii. That the proposed setback will not be out of alignment with adjoining properties.

iii. That the proposed setback will not pose a threat to public health, safety, and welfare.

b. Side Yards

Where a side yard is adjacent to a residential zone, no building shall be located closer than 25 feet to the side lot line. In all other cases the Fire Marshall shall approve the side yard requirements where a former dwelling unit has been converted to a different use permitted under Section 3.10.B, side yard requirements will be the same as those for the R-2 residential zone for any new construction.

c. Rear Yard

No building shall be located closer than 20 feet to the rear lot line.

c. Coverage

Main and accessory buildings shall not cover more than 50% of the lot area and in no case shall the total gross floor area of the main building exceed the area of the lot.

D. Height Regulations

Any structure that is designed to have a maximum height of greater than 3 stories or 35 feet shall be approved by the Board of Zoning Adjustment.

E. Off-street Parking

See Chapter Four. In all cases the forward most 25 feet of the front yard shall be maintained as unobstructed open space, and shall not be used for parking unless property control is provided through curb lines, entrances and exits; and in no case will parking be permitted in a manner so as to result in automobiles backing into any street or otherwise interfering with moving traffic.
F. Loading and Unloading

Loading and unloading facilities shall be provided so as to prevent obstruction of any public way.

Section 3.11  Heavy Industrial

A. General Description

This industrial zone is intended to provide for heavy industrial uses and other uses not otherwise provided for in the zones established by this code. The intensity of uses permitted in this zone makes it most desirable that they be separated from residential and commercial uses.

B. Uses Permitted

Property and buildings in an 1-1 Heavy industrial Zone shall be used only for the following purposes:

1. The manufacturing, compounding, processing, packaging, or assembling of such products as prohibited in the retail commercial use zone and Light Industrial District when it is found by the Enforcement Officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or to the citizens of El Dorado.

2. Storage of bulk materials as is prohibited in the retail commercial use zone, or light industrial zones, when it is found by the Enforcement Officer that the specific location and safeguards provided will so reduce the danger of fire or explosion so as not to be dangerous to the health, safety, or general welfare of persons lawfully occupying adjacent properties or of citizens of the City of El Dorado.

3. Commercial truck docks or freight line facilities to include facilities suitable for receiving, storing, and delivering freight, for storing, repairing, maintaining, and servicing of vehicles and other equipment; the below-ground storage and handling of gasoline, diesel, other motor fuels and lubricants; and, other facilities ancillary and necessary to the business of commercial truck docks or freight lines.

C. Residential Use Prohibited

No structure may be constructed or altered for residential use within this zone.

D. Area Regulations

1. Total structures may not cover more than 33 1/3% of the total lot area.
2. All structure shall be built at least 25 feet from all property lines.

E. Height Regulations

When a structure is designed to exceed 35 feet in height, the Director of Public Works may approve the height requirement only if it is demonstrated that the equipment and the structure to house the operation justify such a height. If it is determined that the height of a proposed structure may adversely affect adjoining property, the Director of Public Works may refer the height request to the Board of Adjustment for consideration.

F. Off-street Parking

See Chapter Four.

G. On-lot Loading and Unloading Facilities

Each structure or use shall provide on-lot loading and unloading facilities which will allow such activities to be carried on without blocking a street, alley, or public way.

Section 3.12  I-2 Light Industrial

A. General Description

This zone is intended for manufacturing and assembly plants and warehouses that are conducted in such a manner that noise, odor, dust, and glare of each operation is completely confined within an exposed building and/or the commercial operation of truck docks or freight lines as permitted in I-1 Heavy Industrial Zones.

B. Uses Permitted on Review

All Uses in this zone must be reviewed and approved by the Board of Zoning Adjustment, and must conform to the descriptions below.

1. The manufacturing, compounding, processing, packaging, or assembly of such products as prohibited in the C-1 and C-3 zone when found not to be detrimental to uses of adjacent areas or other uses within the I-2 zone, and which noise, dust, odor, vibration, or congestion is entirely contained within buildings.

2. Storage of bulk material as is prohibited in the C-1 and C-3 zone, when the Board of Zoning Adjustment determines that the specific location and safeguards provided will also reduce the danger of fire or explosion so as not to be hazardous to the health, safety, or general welfare of the persons lawfully occupying adjacent properties or the citizens of the City of El Dorado.

3. Commercial uses.
C. Area Regulations

1. Total structures may not cover more than 60% of the total lot area.

2. No building shall be altered and no new building constructed on any lot having a width of less than 50 feet at the front building line.

3. No building shall be altered and no new building shall be constructed on any lot having less than 5,500 sq. ft. of area.

4. Buildings shall provide a front yard of not less than 30 feet, a rear yard of not less than 25 feet, and two side yards, each not less than 15 feet.

D. Height Regulations

Buildings may be erected to a height of 35 feet, provided, however, that where it can be demonstrated that equipment and structures to house the operation will require a greater height than the height limitation, the limitation may be waived upon application to the Board of Zoning Adjustment. It is provided that elevator shafts, air conditioning units, cooling towers, water tanks, and other appurtenances necessary and accessory to the permitted use may exceed the height limit up to 60 feet total height, provided that for every 5 feet of increment above the permitted height of 35 feet, there shall be one foot additional required front, side, and rear yard, and further provided that no illuminated sign, name plate, display, or advertising device of any kind, shall be inscribed or attached to the portion of any structure exceeding the height limitation.

E. Off-street Parking

See Chapter Four.

F. Off-street Loading Requirements

Off-street loading space shall be provided in the following ratio:

1. For structures containing less than 25,000 sq. ft. of gross floor area, one space for each 12,500 sq. ft. of gross floor area or increment thereof. Each parking space shall have a net area of not less than 420 sq. ft.

2. For structures containing 25,000 or more square feet of gross floor area, the number of parking spaces are specified in the following table. Each such parking space shall be at least 10 feet wide, 35 feet long, and 15 feet high.
3. **Square Feet of Gross Floor Area**  

<table>
<thead>
<tr>
<th>Gross Floor Area</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>25,000 up to &amp; including 40,000</td>
<td>1</td>
</tr>
<tr>
<td>40,001 up to &amp; including 100,000</td>
<td>2</td>
</tr>
<tr>
<td>100,001 up to &amp; including 160,000</td>
<td>3</td>
</tr>
<tr>
<td>160,001 up to &amp; including 240,000</td>
<td>4</td>
</tr>
<tr>
<td>240,001 up to &amp; including 320,000</td>
<td>5</td>
</tr>
<tr>
<td>320,001 up to &amp; including 400,000</td>
<td>6</td>
</tr>
<tr>
<td>For each additional 90,000 over 400,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

In addition, there shall be area or means adequate for ingress and egress which shall be so arranged as to permit maneuvering of a truck to reach a loading space by a single backing movement, utilizing property on the lot only.

**G. Landscaped Area Requirements**

Each lot shall provide and maintain a landscaped area in the front and side yard setback area. Such landscaped areas must cover at least 35% of the total front and side yards, and shall be designed to prevent automobiles from crossing or driving onto them. A landscaped strip at least 10 feet wide, exclusive of walks and driveways, shall be provided on each street property line. The area shall be suitably treated with ground cover, trees, and shrubs to present an attractive appearance to the industrial zone.

**Section 3.13  A-1 Agricultural - Undeveloped**

**A. General Description**

This zone is intended to provide a category suited to the land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the near future. Tracts in this zone will be in close proximity to residential and commercial uses, therefore, agricultural activities conducted in the zone should not be detrimental to urban land uses. The types of uses, required area, and intensity of use permitted in this zone are designed to encourage and protect agricultural uses and to provide an interim use until development patterns are more well established.

**B. Uses Permitted**

Property and buildings in the A-1 Suburban Agricultural Zone shall be used only for the following purposes.

1. All uses permitted in the R-1 Residential Zone.

2. Agricultural uses and single-family dwellings connected thereto on tracts of land in excess of ten acres.

3. Country club or golf course.
4. Plant nursery.

5. Bulletin board or sign not exceeding forty (40) sq. ft. in an area pertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

6. Accessory buildings including barns, sheds, and other farm buildings, and private garages and accessory buildings which are part of the main building.

C. Conditional Uses

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Chapter Six.

1. Airport or landing field.
2. Cemetery.
3. Public stable, riding academy, or stockyard.
4. Kennel.
5. Radio or television station.

D. Area Regulations

1. Front Yard

All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

a. All buildings shall set back from a state or federal highway, county highway or section line road a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.

b. On all public roads or streets other than federal, state or county highways and section line roads all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

c. If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line than
the minimum setback so established by existing buildings; but this regulation shall not require a front yard of greater depth than fifty (50) feet.

d. When a yard has double frontage the front yard requirements shall be complied with on both streets.

2. Side Yard

a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than eight (8) feet for dwellings of one story, and of not less than twelve (12) feet for dwellings of more than one story.

b. For unattached buildings of accessory use there shall be a side yard of not less than eight (8) feet.

c. For dwellings and accessory buildings located on corner lots there shall be a side yard set back of 25 feet.

d. Places of Worship and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

3. Rear Yard

There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, but no closer than 5 feet to rear property line.

4. Lot Width

For dwellings there shall be a minimum lot width of sixty (60) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

5. Intensity of Use

a. For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than two (2) acres.

b. For Places of Worship and main and accessory buildings other than dwellings and buildings accessory to dwellings the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Chapter 4 Section 4.8.
6. Coverage

Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

E. Height Regulations

No building shall exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

Section 3.14 PUD - Planned Unit Developments

A. General Description

The purposes of this zone are to promote flexibility and innovation in design and to encourage the use of vacant, infill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides a broader latitude of design to achieve the goals stated above.

In concept, the PUD is a combination of zoning designation and subdivision plat. A detailed site plan is required for permitting. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning.

PUDs may be residential, commercial, industrial or mixed-use in nature. The site plan shall clearly depict the proposed land uses. There are no minimum lot size restrictions for PUDs; however, the Planning Commission will consider PUDs on less than two acres only under special circumstances.

B. Site Plan Required:

A detailed site plan of the proposed Planned Unit Development District shall be submitted to the Site Plan Review Committee for study and approval; which shall be considered as a recommendation to the El Dorado Planning Commission. Final approval shall be made by the City Council based on the recommendation of the El Dorado Planning Commission.

C. Uses Permitted:

The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.
D. Regulations:

1. **Residential Lot Size:** No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.

2. **Open Space Reservation:** In any Planned Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the Code Enforcement Officer shall be posted with the City for completion of said open space improvements prior to such sale. The site plan shall clearly depict the amount of land to be maintained as permanent open space.

3. **Development Density:** The site plan shall clearly depict the proposed density by land use category.

4. **Property Owners' Association:** As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, thorough which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.

5. **Responsibility for Open Space:** Nothing in this Section of the Code shall be construed as a responsibility of the City of El Dorado, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

6. **Common Open Spaces:** The size, shape, dimension and location of the common open spaces shall be determined by the Site Plan Review Committee in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.
Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

7. **Landscaping Plan:** In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of preliminary plat submission showing the spacing, sizes, and specific types of landscaping material. The Site Plan Review Committee shall review the landscaping plan in conjunction with the review of the preliminary plat.

The preservation of the natural amenities within the planned unit development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Site Plan Review Committee shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Site Plan Review Committee.

8. **Transportation:** The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within the planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Site Plan Review Committee, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

9. **Land Subdivision:** In the construction and installation of all subdivision improvements in the planned unit development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exception to the requirements is recommended by the Site Plan Review Committee and approved by the Planning Commission.

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

10. City Council Approval: Planned Unit Development Districts and establishment of zoning therefore must be approved by the El Dorado City Council. However, the development shall be in accordance with the approved site plan. The Planning Commission must approve any contemplated deviation from the approved site plan. Upon approval by the Planning Commission, all recommendations shall be submitted to the El Dorado City Council for approval. The El Dorado City Council has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval.

Section 3.15 Zoning Map

A. The use zones described herein are designated on a map titled "City of El Dorado, Arkansas, Zoning Map" and said map is a part of this code. Lines indicating the boundaries of the use zones on "City of El Dorado, Arkansas, Zoning Map" are intended to follow city lines, center street rights-of-way, existing property lines, and center of main channel of creeks. The official zoning map is on file at the office of the Mayor, City of El Dorado, Arkansas.
Chapter Four: General Provisions

Section 4.1 Annexation

A. Territory annexed to the City of El Dorado after adoption of this code shall be given zone designations within 60 days after the effective date of annexation in accordance with the amendment procedures of this code.

B. Before official zone designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the Land Use Plan and the structure meets the requirements of the zone in which it is to be located.

Section 4.2 Completion of Existing Buildings

A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of this code.

B. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this code, provided construction is started on said building within 60 days after adoption of this code.

Section 4.3 Application of Regulation to the Uses of More Restrictive Development Zones

A. Whenever the specific zone regulations pertaining to one zone permit the uses of a more restrictive zone, such uses shall be subject to conditions set forth in the regulations of the more restrictive zone unless otherwise specified.

B. It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes unless otherwise authorized by the Board of Zoning Adjustment.

Section 4.4 Relief from Requirements for Lot Area or Width in a Residential Zone

On any lot separately owned in a residential zone at the time of passage of this code and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width and/or area than required by the regulations of the residential zone in which the lot is located, provided all other area requirements are met.

Section 4.5 Areas not to be Diminished

The lot or yard areas required by this code for a particular building or use at the time of passage of this code or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or
use. If the lot, open space or yard areas required by this code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this code.

Section 4.6 Group Housing Projects

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots, and which will not be so subdivided, where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this code to individual buildings in such housing project, the application of such requirements to such housing project may be changed by the Board of Adjustment, in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher than the standard of open space at least as high as required by this code in the zone in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirement of the zone in which the housing project is to be located.

Section 4.7 Public and Private Transmission Lines

Transmission lines and easements used by either private industries or utility companies shall not be subject to zoning requirements as herein set forth.

Section 4.8 Off-street Automobile and Vehicle Parking and Loading

A. General Intent and Application

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the City of El Dorado. The requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all zones.

B. Location

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use, and shall have direct access to a street or alley.

C. Joint Parking Facilities

Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent parking facility, cooperatively, established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.
D. Size of Off-Street Parking Space

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9' x 20', plus adequate area for ingress and egress.

E. Amount of Off-street Parking and Loading Required

Off-street parking and loading facilities shall be provided in all zones in accordance with the following schedule:

1. Dwelling, Single-family or Duplex: Two (2) parking spaces for each separate dwelling unit within the structure.

2. Dwelling, Multiple-family: The number of spaces provided shall not be less than one and one-half (1 1/2) times the number of units in the dwelling.

3. Hotel: One (1) parking space for each two (2) guests provided overnight accommodations.

4. Hospitals: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

5. Medical or Dental Clinics or Offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.

6. Sanatoriums, Convalescent or 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 for each two (2) employees including nurses.

7. Community Center, Theater, Auditorium, Place of Worship Sanctuary: One (1) parking space for each four (4) seats, based on maximum seating capacity.

8. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

9. Office Building: One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service.

10. Commercial Establishments: One (1) parking space for each one hundred fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

11. 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.

For all 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.

F. Paved Surface Required

All parking spaces shall be paved with a sealed surface pavement and maintained in such a manner that no dust will result from the continued use.

Section 4.9 Conformance With Fire Code

The provisions of this code are intended to conform to the Arkansas State Fire Code. Where any doubt or confusion exists as to this conformance, the provisions of the Fire Code will take precedence.

Section 4.10 Location of Commercial Communication Towers

A. Purpose

The purposes of these regulations are described as follows:

1. To establish a system of administering requests for the siting of commercial communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.

2. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.

3. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.

4. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

B. Definitions

In addition to other definitions contained in Section 2.1.B, the following definitions apply to the administration of commercial communication tower regulations as hereinafter set forth.

Antenna Array means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

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Attached Wireless Communications facility (Attached WCF) means an Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

Collocation or Site Sharing means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

Derrick Tower means a structure constructed of lattice steel and which is entirely self-supporting.

Equipment Facility means any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a buildout of an existing structure, pedestals, and other similar structures.

FAA means the Federal Aviation Administration.

FCC means the Federal Communication Commission

FTA means the Federal Telecommunications Act of 1996.

Guy-Wired Tower is a structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

Height. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

Monopole Tower is a supporting structure composed of a solid pole without any guy-wired support.

Setback means the required distance from the WCF to the property lines of the parcel on which the WCF is located.

Stealth Technology means systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Support Structure means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

Tower Use Permit (TUP) means a permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions.
determined by the Planning Commission and City Council to be appropriate under the provisions of this Section.

*Wireless Communications* means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

*Wireless Communication Facility (WCF)* means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

C. Location and Application

1. Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, through administrative review:

   a. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.

   b. Facilities to be located in M-1 (Light Industrial) and M-2 (Heavy Industrial) zoning districts.

   c. Facilities to be located in parks or other public areas upon approval by the City Council and property owner(s). If the City staff does not approve a TUP for any of the above, the Applicant may elect to apply for a Conditional Use Permit under the conditions set forth in Chapter 6.

2. The following applications are subject to acquisition of a Conditional Use Permit by the El Dorado Planning Commission under the conditions set forth in Chapter 6:

   a. Facilities to be located in any residential use zoning district.

   b. Facilities to be located in any commercial use zoning district.

3. Any TUP applications for new tower construction will be considered by the El Dorado Planning Commission only after the applicant has demonstrated to the satisfaction of the Planning Director and Director of Public Works that:

   a. No existing towers or structures are located within the geographic area that would meet applicant’s engineering requirements.

   b. Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.
c. Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment.

d. The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant’s proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4. All applications shall include, in addition to the other requirements specified in Chapter 6, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.

5. A TUP involving only a change of property ownership for a facility previously granted a TUP, and involving no new construction may be approved administratively by the Mayor upon a recommendation by the City Council.

D. Development Standards

1. Height

   a. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.

   b. WCF with Support Structures shall have a maximum height of 400 feet in industrial and agricultural zones, 250 feet in commercial zones, and 150 feet in residential zones.

2. Setbacks

   a. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

   b. WCF with Support Structures shall meet the setback requirements for principal
structures of the underlying zone in which they are located, except for residential zoning districts.

c. WCF with Support Structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the setback requirements of the specific district in which the WCF is located.

3. Landscaping and Aesthetics

a. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter which are to be cut must be indicated on the site plan.

b. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

4. Lighting

a. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner’s responsibility to meet FAA lighting requirements, if necessary.

b. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.

c. Lighting shall be of a type not directly visible from the ground.

5. Security Fencing

a. WCF with Support Structures shall be enclosed by a security fence not less than six (6) feet.

E. Collocation

1. All WCF with Supporting Structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.

2. All applicants for WCF with Supporting Structures are required to execute a statement upon filing the application agreeing to allow collocation of other WCF providers at a lease rate not to exceed the commonly accepted market terms as determined by the City of El Dorado.
H. Conditions

1. Support Structures for wireless communication facilities shall be of the monopole type construction except as specified in H.2 and H.3 below.

2. Structures in the I-1 and I-2 zones may be of monopole derrick tower or guy-wired supported tower construction.

3. Structures located in the C-1 zone shall only use Stealth Technology with a design to be approved by the Planning Commission and the City Council.

I. Abandonment

Agreements accompanying a request for new supporting structures or attached WCF shall include the following to be executed with the City of El Dorado:

1. Any Wireless Communication facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the City of El Dorado immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner’s expense.

2. Any discontinued WCF not removed within six months may be removed by the City at the owner’s expense.

J. Environmental Impact

1. Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:

   a. Facilities are located in officially designated wilderness or wildlife areas.

   b. Facilities threaten endangered species or critical habitats.

   c. Facilities affect historic sites or structures.

   d. Facilities are to be located in flood plains.

   e. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.

2. Since these assessments are already required by federal law, these provisions are incorporated into this code and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.
K. Review

The City of El Dorado shall complete final action upon any TUP within 90 days of the filing of the application unless a request for extension is filed by the Applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record.

Section 4.11 Self-Storage.

The following are prohibited uses of self-storage facilities or areas:

1. Storage of flammable or hazardous chemicals or explosives;
2. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
3. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
4. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
5. The establishment of a transfer and storage business; and
6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
Chapter Five: Nonconforming Uses

Section 5.1 Nonconforming Buildings and Structures

A nonconforming building or structure existing at the time of adoption of this code may be continued, maintained, and repaired, except as otherwise provided in this section.

A. Alteration or Enlargement of Buildings and Structures

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

B. Outdoor Advertising Signs and Structures

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this code became effective, which does not conform to the provisions hereof, shall not be structurally altered. All such nonconforming advertising signs, billboards, commercial advertising structures, and statuaries, and their supporting members, shall be completely removed from the premises not later than five years from the effective date of this code.

C. Building Vacancy

A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

D. Change in Use

A nonconforming use of a conforming building or structure shall not be expanded or extended into any other portion of such conforming building or structure, or change except to a conforming use. If such a nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such buildings, structure, or portion thereof, shall be in conformity with regulations of the zone in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of this code. Otherwise, it shall be used in
conformity with the regulations of the zone in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restrictive zone's classification; but where the use of nonconforming buildings or structures is changed to a use of more restrictive zone's classification, it thereafter shall not be changed to a use of a less restricted zone's classifications.

If a nonconforming structure is destroyed by fire or by the forces of nature, a structure of exactly the same size and shape can be constructed on the site and the nonconforming use continued, provided that said construction is begun within six months following the destruction of the original structure.

Section 5.2  Nonconforming Uses of Land

A. A nonconforming use of land where the aggregate value of all permanent buildings or structures is less than $1,000, existing at the time of the adoption of this code, may be continued for a period of not more than three years therefrom, provided that:

1. Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this code.

2. If said nonconforming use of any portion thereof is discontinued for a period of six months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the zone in which said land is located.
Chapter Six: Conditional Uses

Section 6.1 General

Several uses not normally permitted in a given zone may be permitted, with or without additional conditions, upon review and approval of the Planning Commission. Such uses have been specified in each zone or are listed below.

A. Any petitioner desiring a conditional use must submit plot plans showing the proposed layout of such use, its effect on adjacent property, and the nature of activity contemplated and shall also provide a petition signed by each property owner within 200 feet of his property. Such petition will indicate only that the affected property owners have been notified and does not indicate approval or disapproval. The petition must be dated at least 15 days prior to the Planning Commission meeting. Notice may also be given to by certified letter. Also at least 15 days prior to the Planning Commission meeting, a notice must be placed on the property stating that it is being considered for a Conditional Use Permit. The commission must approve the use by a majority vote with a quorum present.

B. Any Conditional Use listed in Section 6.1D below, existing at the effective date of these regulations, shall be considered a non-conforming use unless it has qualified as provided above, and has been approved as a “Conditional Use” by the Planning Commission.

C. When found to be in the interest of the public health, safety, morals, and general welfare, the Board of Adjustment is hereby authorized to approve as part of the permitted Conditional Uses any and all structural alterations. This is provided, however, that such alterations do not add materially to the permitted Conditional Uses after they have been qualified and approved by the City Council. The above procedures must apply to additions to Conditional Uses.

D. In addition to any conditional uses specified under specific use zone regulations, the following Conditional Uses may be approved by the City Council as provided in this Section:

1. Airports and landing fields
2. Dwellings in an Industrial Zone
3. Extraction, processing, and removal of sand and gravel or stone
4. Fairgrounds
5. Drive-in Theatre
6. Hospitals
7. Public or governmental buildings or public or governmental use of land
8. Public utilities or public service uses, buildings, structures, or appurtenances thereto

9. Sports arena or stadium

10. Swimming pool, commercial, or private swimming club

11. Railroads and rail facilities

12. Temporary and unenclosed road-side stands offering for sale only products produced on premises

13. Radio and television broadcasting towers
Chapter Seven: Board of Zoning Adjustment

Section 7.1 Organization of Board of Adjustment

A. A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of the Planning Commission as a whole. (A.C.A § 14-56-416)

B. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one (1) year or until his successor duly qualifies.

Section 7.2 Meetings

A. Meetings of the Board shall be held at such time and at such place within the City of El Dorado as the Board may designate, and may meet at any time on call of the chairman.

B. The Board shall keep minutes of its proceedings which shall contain as a minimum:

1. Time, date, and place of meeting.
2. Names of members present.
3. Citation, by number and description of appeal or application.
4. Pertinent facts of the case.
5. Names of persons appearing and their interest in the case.
6. Record of vote by name.
7. Authority for decision (cite ordinance or statute) and reasons for conditions imposed.

The minutes of the meeting shall be filed by the secretary of the Board in the office of the City Clerk, and shall be public record.

C. Any member of the Board who fails to be in attendance without notice at two consecutive scheduled meetings shall have his appointment declared vacated, and a new member shall be selected as provided in Section 7.1B.

Section 7.3 Appeals from Decision of Enforcement Officer

The Board shall hear appeals from an administrative decision of the enforcement officer, who shall be designated by the City Council, concerning interpretation of the zoning code and shall decide whether such interpretation was in error or not.

Section 7.4 Variances

A. The Board shall hear requests for variances from the literal provisions of the zoning code in instances where strict compliance to the provisions of the code would cause undue hardship due to the circumstances unique to the individual property under consideration.

B. The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning code and official plans of
the City.

C. The Board shall not permit as a variance any use in a zone that is not permitted under this code.

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

Section 7.5 Other Functions of the Board

The Board may hear applications and take such action as permitted on matters specifically referred to it under this code.

Section 7.6 Appeals From Decisions of the Board

Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board.

Section 7.7 Notices and Fees

A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in El Dorado, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

B. The appellant or applicant shall be required to pay to the City Collector a filing fee to be determined by the City Council to cover such other costs as may be incurred in connection with such appeal or application.
Chapter Eight: Amendments

Section 8.1 Amendment to Text

The City Council may suggest that the Planning Commission amend the text and/or map of this code or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Following the public hearing, such recommendations shall be submitted to the City Council for adoption.

Section 8.2 Change in Classification

A. A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.

B. Upon receipt of the petition for an amendment, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows.

1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing at the expense of the applicant.

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

3. If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within thirty (30) days from the date of the hearing.

4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by a majority vote, amend this code by granting the request for amendment in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of the date he receives reasons for disapproval from the Planning Commission.
C. No application for a zoning amendment will be considered by the Planning Commission within twelve (12) months from date of final disapproval of a proposed amendment unless the Commission finds that a substantial reason exists for waiving this limitation.

D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning regulations or zone boundaries shall deposit with the City Collector the sum of seventy five dollars ($75.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.
Chapter Nine: Enforcement Officer, Building Permit, Penalty For Violation

Section 9.1 Enforcement

The provisions of this code shall be administered by an enforcement officer designated by the City of El Dorado.

Section 9.2 Building Permit

A building permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of this code. All applications for building permits shall be accompanied by a plan, drawn to an appropriate scale - for example, 1" = 10', showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this code. A record of such application and plats shall be kept by the enforcement officer and are subject to review by the Planning Commission.

Section 9.3 Penalty for Violation

Any person or corporation who shall violate any of the provision of this code or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars ($100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this code shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.
Summary: An analysis of the cash flow for the remaining fiscal year 2002, reveals that remaining income to be received will equal the remain budgeted expenses. Therefore, it is a matter of determining the bank balance required to maximize return on investment. The one of thing that will have a major influence of the balance is when revenues and expenses occur. With the major revenue coming in at the end of the month, we have to anticipate when the major expenses such as payroll will occur. If for the moment one only considered the above information we would need approximately $500,000 bank balance at the beginning of each month. Towards the end of month the balance would obviously rise and the fall back by the end of the month to $500,000. The big question is with the sweep account earning interest what balance should be maintained in the sweep account. We really have to options $500,000 or $750,000. If the ROI can increase by more than 1% above the current rate of 1.5% we should lean towards $500,000. If not the only other option is $750,000.

Recommendations:

If appropriate move the remaining drug education money to the general fund.

Reduce the Franchise Fee Fund used to pay the bond payment on fire station to the three payments instead of four. When the payment comes due then and only then do we transfer from capital improvement the necessary funds.

All payment of bills except payroll will be done on or around the 15th and 30th of the month. Notice I said around. This will be influence by what the bank balance is at the time to pay bills. By controlling when we pay we have a better control over our bank balance. Note: Payment of health insurance and retirement contributes approximately $133,000 to our monthly demands on cash.

If one of the current CD's matures every 30 days, invest the additional funds for a period to 120 days. Otherwise, invest $100,000 to mature every 30 days and the remaining for 120 days. This will allow us every 30 days to evaluate to the $100,000 should be put back in the sweep account. How much should we invest in CD's????

If the sweep account balance is $750,000, the answer is $300,000. On the other hand, if the balance is $500,000, the answer is $500,000. Keep in mind with the option the additional $200,000 will have to earn a rate of 2.5% or better. This will make for the lost of interest on the $500,000 still in the sweep account.

Separate the street money to comply with state law. I think the bank will still allow us to earn sweep account interest. I hope.
ARTICLE I. PURPOSE OF THE BYLAWS

It is the intent of these Bylaws to prescribe the organization of the El Dorado Planning Commission and to establish orderly, equitable and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

ARTICLE II. THE COMMISSION

A. Members and Terms

1. The membership and the terms of service shall be as stipulated by Ordinance.

2. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation.

3. When a member of the Planning Commissions has missed more than 25% of all regular meetings of that calendar year, then such a person is automatically removed such position unless, prior to the next scheduled meeting of the City Council, the member submits in writing his/her desire to remain on the Commission, then the City Council, by a majority vote, shall allow the member to continue to serve. The same provision shall apply to a member who has missed more than two consecutive regularly scheduled meetings without notifying the Mayor’s Office at least 24 hours prior to the meeting that he or she will be absent.

B. Officers

1. The Chairman and Vice-Chairman

   a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each. The Chairman, and likewise the Vice-Chairman, may not succeed themselves in office.

   b. The chairman shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the event of the absence or disability of both the Chairman and Vice-Chairman at any meeting, the oldest appointive member in point of service shall act as Chairman during such meeting.

   c. The Chairman shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chairman shall designate one member of such Committee to serve as the Committee
Chairman.

d. The Chairman shall sign all approved minutes and when authorized, other documents on behalf of the Commission.

2. Secretary

a. The office of Secretary shall be held ex-officio by staff person designated by the Mayor.

b. The Secretary shall attend all meetings of the Commission and shall be responsible for:

1. Keeping the minutes of each meeting.
2. Carrying on routine correspondence.
3. Maintaining the files of each meeting.
5. Current membership of the Commission with their terms of office.
6. Maintaining a record of the organization of the Commission and its staff.
7. Preparing the agendas of items to be considered at a meeting.

c. The Secretary shall attend all Committee meetings and shall serve as the Secretary of all standing and technical advisory committees and, at the discretion of the Chairman of all special committees. The Secretary shall advise the Committee on request.

ARTICLE III. COMMITTEES

A. Standing Committees

1. Standing Committees may be created by the Planning Commission and charged with such duties as the Commission deems necessary or desirable.

2. Such Committees shall be composed of two or more Commissioners, but less than a quorum of the full Commission, and shall hold membership for one year or until succeeded.
3. The Subdivision Committee shall be composed of five (5) members appointed by the full Commission and include Planning Commission members only. The Committee shall act as a review body for all conditional use, site plan and planned unit development issues in addition to platting matters. A quorum of three (3) members will be required to conduct business.

In addition, there shall be appointed as nonvoting members, one staff member from the public water and sewer utility. The utility membership shall be allowed participation in discussion and preparation of the Committee recommendations.

B. Special Committees

Special Committees may be created in the same and under the same conditions as Standing Committees, except that the Chairman shall also designate a date for the submission of the Committee’s final report. Special Committees shall be dissolved when their particular function or task has been completed. No Special Committee shall exist for a term of more than twelve (12) consecutive months, except by the direction of the Commission.

C. Advisory Committees

The Commission may create such Advisory Committees as it deems necessary or desirable. Each Advisory Committee shall be composed of at least one Commissioner and other officials and private citizens in a number determined by the Commission. Generally, members shall be private, professional, or technical representatives, public officials working on the problems with which the committee is concerned, and lay individuals who have special interest or experience with such problems.

ARTICLE IV. MEETINGS

A. Regular Meetings

1. There will be a monthly meeting if there is a rezoning request submitted by the tenth (10th) of the month or if there are other matters to be dealt with.

2. The mailing of a copy of the agenda to each Commissioner one week prior to the date set for a meeting shall constitute notice of such meeting. On the morning of the day of a meeting, each Commissioner shall be reminded of the meeting by telephone by the Secretary.

B. Called Meetings

1. Special meetings may be called by the Chairman, or at the request of the Secretary, or by a quorum of the Commissioners, or by a majority of those present at a regular or called meeting. Notice of such meeting shall be given as prescribed for a regular meeting, unless
such called meeting is to be held within less than three (3) days, in which case, notice by telephone call shall suffice. Announcement of a special meeting at any meeting at which all members are present shall be sufficient notice of such meeting.

2. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chairman - by telephone and without other notice.

C. Adjourned Meetings

1. Where all applications cannot be disposed of on the day set, the Commission may adjourn from day-to-day or as necessary to complete the hearing of all items docketed. A majority vote of those present shall be required to adjourn.

ARTICLE V. CONDUCT OF BUSINESS

A. Order of Agenda

All meetings shall be conducted in accordance with the agenda which shall enumerate the topics and cases in the following sequence:

1. Roll Call
2. Finding of a quorum
3. Approval of previous minutes as mailed
4. Old Business
5. New Business
6. Adjournment

B. Order of Hearing

At a hearing, the order shall be as follows:

1. Announcement of the subject by the Chairman.
2. Summary of proposal and report of staff findings and recommendations by Secretary/staff.
3. Subdivision Committee Chairman presents Committee recommendation (on subdivision matters).
4. Petitioner’s or applicant’s presentation.
5. Objector’s or interested property owner’s presentation
6. Petitioner’s rebuttal.
7. Commission vote on the request as filed.
8. Additional motion of Commission as may be required to dispose of an issue (such motion shall be placed in the positive).

C. Standard Rules of Procedure

Except as may otherwise be set forth in these Bylaws, parliamentary procedure shall be as prescribed in the latest edition of Roberts Rules of Order, Revised. Procedural provisions of these Bylaws shall provide priority over those of Roberts Rules of Order.
In those instances where a majority vote of the full Commission cannot be obtained to take final action, the matter before the Commission shall be automatically deferred until the next scheduled meeting.

One (1) automatic deferral shall be allowed on any matter before the Commission which requires subsequent action by the City Council. If the Commission fails to resolve the matter at the rehearing and enough votes for final action cannot be obtained, the following shall apply.

In those instances where no action is required by the City Council and the action before the Commission fails to receive the required five (5) votes at the second meeting, the request shall be declared to be denied.

For actions requiring the City Council approval, such matters shall be forwarded to the City Council with a recommendation of denial. The minute record of the hearing and the City Council’s communication shall reflect the motions and voting on the matter so as to fully convey to the Board the Planning Commission record for such matters.

5. Conduct of Hearing
Public hearing shall be conducted informally, and the Chairman shall make all rulings and determinations regarding the admissibility of the evidence, the scope of the inquiry, the order in which evidence, objections, and arguments shall be heard, and other like matters, except that any member shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chairman with which he does not agree, whereupon the vote shall determine the effective ruling. It shall be the purpose of the Chairman to expedite all hearings, confining them to the presentation of only essential matters in the interest of saving time, but entertaining the presentation of sufficient matter to do substantial justice to all concerned.

E. General Policies

1. Formal Action
No request for advice, or moot question may be acted upon formally by the Commission.

2. Closing of Docket
No application for a change in zoning, subdivision plat approval, etc. shall be submitted to the Commission, or prepared by the Secretary for submission, unless the same has been filed in the required fashion and no later than the docket date established by the adopted calendar. The staff shall investigate and consider each application, advertise the hearing, and present its findings, on an area wide basis rather than an individual site basis.

3. Open Meetings
All meetings of the Commission shall be open to the public as required by law.

4. Public Hearings
All items for which Commission action is required by law or ordinance shall be made the
subjects of open public hearings, and after public notice as prescribed by law or ordinance.

5. Public Records
All minutes of Commission meetings and all petitions, applications, reports and other documents on which action has been taken by the Commission shall be open to the public and available for inspection at reasonable times.

6. Zoning Calendar
All items requiring Planning Commission and subsequent City Council review shall be considered only at a regular and scheduled meeting date. Applications having been considered and recommended for approval by the Planning Commission will be forwarded by the Secretary to the City Council for consideration. Applications which are recommended for denial by the Planning Commission will not be automatically referred to the City Council. Persons who desire to appeal such a decision shall be notified of the proper procedure.

7. Reconsideration of Denied or Amended Applications
   a. Expunging Action
      The Commission may, when it deems necessary and for cause, expunge any motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on the agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.
   b. Reconsideration
      Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting. A new application will be made (new fees, legal ad, and adjacent property owners renotified so that they may have an opportunity to hear any new evidence and to be heard.)
   c. Reapplication
      No identical or substantially identical application for the redistricting of a specific parcel or parcels of land which has been denied by the planning Commission or City Council may be made for a period of one (1) year.

8. Withdrawals
No Application which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:
   a. Except for cause and with a written request, five working days prior from the applicant of record no case shall be withdrawn.
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8. Withdrawals
   No Application which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:
   a. Except for cause and with a written request, five working days prior from the applicant of record no case shall be withdrawn.
b. When the public hearing has already been advertised, the Commission must authorize the withdrawal by motion in the public hearing.

c. In the event the case is withdrawn after the public hearing has been advertised, that same case shall not be resubmitted for a period of one year.

d. No applicant shall be allowed to withdraw an application during the public hearing. Specific action must be taken by the Planning Commission to remove an item from the agenda.

9. Deferrals

No application which has been docketed for public hearing and advertised for such hearing shall be deferred, except as follows:

a. Except for cause and with a written request five working days prior from the applicant of record no case shall be deferred.

b. In the event a case may require an additional deferral, a renotification of property owners shall be required.

c. No single request for deferral shall be granted for more than ninety consecutive days, except by unanimous vote of all members present.

d. In no case shall more than two requests for deferral from an application be granted.

e. In the public hearing, the Planning Commission may for cause defer an application on its own motion. The length of deferral shall be specified by the Commission in the motion.

10. Applicant Attendance at Meeting

The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.

11. Precedents

No action of the Commission shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.

12. Dissent

If a member of the El Dorado Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate, within 30 calendar days of the initial meeting, a written minority opinion to the following:
a. All Members of the Planning Commission
b. The Secretary of the Planning Commission
c. The City Attorney
d. All City Council Members

ARTICLE VI. AMENDMENTS

These bylaws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Commission. A proposed amendment, or a motion to repeal shall first be presented in writing at a regular meeting and placed on the agenda of subsequent regular meetings for action, unless ten days written notice has been given to all Commissioners, in which case action may be taken at any regular or called meeting.

ATTEST:

[Signature]