

## TITLE 14

### ZONING

#### Chapters:

- 14.04 Zoning Ordinance
- 14.08 Flood Damage Prevention Code
- 14.12 Wireless Communications Facilities
- 14.16 Annexing, Vacating and Re-Zoning

### CHAPTER 14.04

#### ZONING ORDINANCE

#### Sections:

- 14.04.01 Definitions
- 14.04.02 Official Zoning Map
- 14.04.03 Administration and enforcement
- 14.04.04 Board of Zoning Adjustment
- 14.04.05 General provisions
- 14.04.06 Non-conforming structures and uses
- 14.04.07 District regulations
- 14.04.08 Conditional uses
- 14.04.09 Accessory uses
- 14.04.10 General standards
- 14.04.11 Amendments
- 14.04.12 Use Chart – Appendix A
- 14.04.13 Site plan/conditional use application checklist – Appendix B

14.04.01 Definitions The following definitions shall be used in the interpretation hereof. Words used in the present tense include the future tense, and words in the singular include words in the plural. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. The word “shall” means mandatory, and the word “may” means permissive.

**Accessory buildings and uses** A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is a use that is customarily incidental, appropriate, and subordinate to the principal use of land and buildings, and located upon the same lot therewith

**Alley** A minor permanent public service way, not in excess of twenty (20) feet, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

**Apartment** A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three (3) or more dwelling units are considered apartments.

**Area** The amount of land surface in a lot or parcel of land.

**Building** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

**Building coverage** The land area covered by all buildings on a lot, excluding eaves.

**Building height** The average vertical distance from the finished lot grade to the highest point of the building.

**Building line** A line parallel to a lot line establishing an area between it and the lot line where no portion of the building may be erected. Such prohibition shall exclude landings, open balconies, and roof overhangs, subject, however, to the further requirements of this ordinance. Measurements shall be made from the nearest wall or supporting post, whichever is closest to the lot line.

**Building and farm supply company** Any establishment that sells hardware, tools, lumber and other supplies related to building, farm, or home care.

**Cemetery** A place for burial of human remains, excluding crematoriums.

**Church** A building, together with its accessory buildings and uses, where people regularly assemble for religious worship. Accessory uses shall include day-care facilities and other non-profit, church associated uses.

**Clinic** A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, and that may be used by one or more practitioners.

**Clubs and lodges** An association of persons for the non-profit promotion of some common purpose, such as charity, fellowship, or something similar.

**Convalescent home** A health care facility, including rest homes and nursing homes, where persons are housed and furnished with meals and continuing nursing services.

**Day care center** A commercial establishment where childcare services are provided pursuant to state laws and fire codes, and in accordance with and licensed by appropriate state agencies.

**Day care family home** A home where day care services are provided to a maximum of ten (10) children, with a maximum of two (2) adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing.

**Development** The act of changing the state of a tract of land after its function has been purposefully changed by man, including, but not limited to, structures on the land and alterations to the land.

**Development plan** A dimensioned presentation of the proposed development of a specified parcel of land which reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

**District** A portion or section of the city within which uniform zoning regulations apply.

**Drive-in establishments** A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

**Dwelling** A building or portion thereof used exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including motels, lodging houses, boardinghouses, tourist homes, or convalescent homes.

**Dwelling, attached** A dwelling that is joined to another dwelling at one (1) or more sides by a wall or walls.

**Dwelling, detached** A dwelling that is entirely surrounded by open space on the same lot.

**Dwelling, manufactured home** A single-family, manufactured housing unit that has a minimum width of twenty-four (24) feet, with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.

**Dwelling, multi-family** A building designed for or occupied exclusively by more than two (2) families.

**Dwelling, single-family** A residential dwelling unit designed for or occupied by one (1) family only, and being on a permanent foundation.

**Dwelling, two-family** A building designed for or occupied exclusively by two (2) families (also referred to as a duplex).

**Dwelling unit** A room or group of rooms located within a dwelling forming a habitable unit for one (1) family.

**Family** An individual or two (2) or more persons related by blood or marriage or a group of not more than three (3) persons who need not be related by blood or marriage living together and subsisting in common as a single non-profit housekeeping unit utilizing only one (1) kitchen.

**Farm** A parcel of land used for the growing or raising of agricultural products including related structures thereon.

**Frontage** That edge of a lot bordering a street.

**Home occupation** Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

**Kennel** The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five (5) dogs and/or cats. The word “selling” as herein used shall not be construed to include the sale of animals four (4) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein as defined, nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein described.

**Lot** A platted parcel of land that is intended to be separately owned, developed, and otherwise used as a unit.

**Lot, corner** A lot with frontage on two (2) streets at their intersection.

**Lot, width** The average of the horizontal distances of the front and rear lot lines.

**Manufactured home park** A tract of land in one (1) ownership that is used or intended to be used by two (2) or more single-wide manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.

**Mobile home** A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Manufactured Home Construction and Safety Act of 1974. Such units shall not be permitted in the city.

**Natural area** An area that is substantially undisturbed by development.

**Non-conforming structure or use** A structure or land use that existed lawfully on the date that these regulations or any amendment thereto became effective, and which fails to conform to one (1) or more of the applicable regulations or any amendment thereto.

**Office** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Parcel** A tract of land separately designated and delineated by identifiable, legally recorded boundary lines.

**Park** An area open to the general public and reserved for recreational, educational or scenic purposes.

**Parking area** An area of land used or intended for off-street parking facilities for motor vehicles.

**Principal use** The chief or main recognized use of a structure or of land.

**Property line** The legally recorded boundary of a lot, tract, or other parcel of land.

**Setback lines** Lines imposed on each parcel where the placement of structures is restricted. Front setbacks shall be measured in the manner specified by the city's ordinance establishing setback lines along streets and highways. Side and rear setbacks shall be measured from property lines.

**Sign** Any device or structure designed or intended to convey information to the public in written or pictorial form. Portable, flashing and animated signs of all types are expressly prohibited, as are billboards and all other off-premise advertising signs. All signage shall be consistent with the Greenland Sign Ordinance.

**Sign, bulletin** A sign erected by a church, school institution, or public agency on its premises for announcements.

**Sign, commercial** A sign which directs attention to a service, product, profession, business or entertainment, conducted, sold or offered on the same lot. Signs written on the walls of buildings shall not be permitted, and all signs shall be of a professional quality.

**Sign, nameplate** A sign bearing the name and/or address, occupation, phone number of persons or uses occupying the premises. Gated community/subdivision signs shall be expressly permitted.

**Sign, official** Signs on public property for informing the public.

**Signs, temporary** Temporary signs advertising for lease, rent, or sale.

**Story** The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

**Use** Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

**Yard** An open area between the building lines and the lot lines of the lot on which it is located. (Ord. No. 277, Sec. 1.)

14.04.02 Official Zoning Map

- A. The city is hereby divided into districts, or zones, as hereinafter described, and as shown on the Official Zoning Map. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of this ordinance.
- B. The Official Zoning Map shall be certified as such by signature of the Mayor, attested by the Recorder/Treasurer.
- C. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other data portrayed on the Official Zoning Map, such change shall be made on said map within thirty (30) days after the amendment has been approved by the City Council.
- D. No changes of any nature shall be made in the Official Zoning Map or information shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance, and punishable pursuant to provisions contained herein.
- E. Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made or published, the Official Zoning Map that shall be located in the office of the Recorder/Treasurer shall be the final authority as to the current zoning status of property in the city.
- F. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall be employed in interpretations thereof. Decision are subject to appeal to the Board of Zoning Adjustment as herein provided.

1. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following city limits shall be construed as following city limits.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
5. Boundaries indicated as parallel to or extensions of features indicated above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Whenever any street alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district boundaries on each side of such street, alley, or public way shall be automatically moved to the centerline of same and all area included therein shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ord. No. 277, Sec. 2.)

14.04.03 Administration and enforcement

- A. The Zoning Official shall be designated by the Mayor, and shall be responsible for the administration and enforcement of this ordinance subject to exceptions contained herein. He may enter any structure, premises, or land to perform any duty imposed by this ordinance.
- B. If the Zoning Official shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the person, as well as the property owner of record, both of whom shall be responsible for such violation. Said notice shall indicate the nature of the violation and order the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or changes thereto; discontinuance of any illegal work being done; or he shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.
- C. No building permit shall be issued for the erection, alteration, or moving of a building or structure until after the Zoning Official has reviewed the permit

request and issued a Certificate of Zoning Compliance. No multi-family, commercial, or industrial building permit shall be issued until a site development plan is submitted to, and approved by the Planning Commission. All building permits shall be issued at City Hall.

- D. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings, if any, on the lot; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required, including existing or proposed buildings or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant after the Zoning Official shall have marked such copy either as approved or disapproved and attested to same, by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Official.
- E. It shall be unlawful to use or occupy or permit the use or occupancy of any building or property, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued thereof by the Zoning Official stating that the proposed use of the building or land conforms to the requirements of this ordinance, and in the case of multi-family, commercial, or industrial uses, has been approved by the Planning Commission. The Zoning Official shall maintain a record of all Certificates of Zoning Compliance, and copies shall be furnished upon request to any person. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this ordinance and punishable pursuant to provisions contained herein.
- F. The Board of Zoning Adjustment (BZA) shall be responsible for addressing all questions regarding interpretation and enforcement of this ordinance. Decisions of said Board shall be subject to appeal only to a court of record having jurisdiction.
- G. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Copies of all complaints regarding zoning matters shall, within one (1) week of receipt by the Zoning Official and/or city administration, be made available to the Planning Commission. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Official, who shall record properly such complaint, immediately investigate and take action thereon, as provided by this ordinance.



- H. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern. The city shall not be responsible for enforcing deed restrictions or covenants.
- I. The owner or tenant of any building, structure, property, or part thereof, and any architect, engineer, contractor, agent, or other person who willfully commits, participates in, assist in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided.
- J. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Two Hundred and Fifty Dollars (\$250.00). In addition, anyone so convicted shall be responsible for paying all costs and expenses involved in the case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.  
(Ord. No. 277, Sec. 3.)

#### 14.04.04 Board of Zoning Adjustment

- A. A Board of Zoning Adjustment is hereby established, which shall be composed of the Planning Commission as a whole.
- B. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules and procedures for the conduct of its business, and keep a public record of all findings and decision.
- C. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city one (1) time, at least seven (7) days prior to the meeting.
- D. The Board of Zoning Adjustment shall have the following functions:
  - 1. Hear appeals from decision with respect to the enforcement and application of this ordinance, and may affirm or reverse, in whole or in part, said decision.
  - 2. Hear requests for variances from the literal provisions of this ordinance in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration, and

grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this ordinance. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted in that zone. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

- E. A variance is authorized only for height, area, and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited, or not specifically permitted, shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.
- F. The Board of Zoning Adjustment shall issue approval of a variance only after finding that:
  - 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district;
  - 2. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - 3. The special conditions and circumstances do not result from the actions or proposed actions of the applicant; and
  - 4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- G. Any resident or taxpayer of the city of Greenland aggrieved by any decision of the Board of Zoning Adjustment may appeal said decision only to a court of record having jurisdiction. (Ord. No. 277, Sec. 4.)

#### 14.04.05 General provisions

- A. No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any uses or land or structure that existed at the effective date of this ordinance. Minimum lot size requirements shall not be interpreted as prohibiting

construction on a lot that was legally platted and recorded before the adoption of this ordinance. For lots that are rendered non-conforming, the necessity of obtaining a variance from such created non-conformity shall not be required as a condition of issuance of a permit, provided all setback and other requirements can be met.

- B. No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.
- C. No lot, open space, parking or loading space shall be reduced in area or dimension below that required by these regulations, except pursuant to decision of the Board of Zoning Adjustment.
- D. Any use of structure or land lawfully existing or one for which a permit has been lawfully issued at the effective date of these regulations may be continued subject to provision herein.
- E. All structures constructed or occupied in conformance with this ordinance shall also conform to all other codes and regulations of the city. Also, as a condition of the issuance of a building permit, applicants shall acknowledge their legal obligation and responsibility to comply with all provisions of the 2007 Arkansas Fire Prevention Code, which is based on the 2006 International Fire, Building, and Residential Codes. Responsibility for compliance with American's With Disability Act (ADA) provisions rests, in all respects, with the permittee and the property owner.
- F. No structure or planting shall be placed in any yard so that it interferes with the visibility at intersections, or at points of ingress and egress.
- G. Dedication to the public use of land shall not be a condition for any zoning or conditional use approval.
- H. All land proposed for annexation shall be assigned zoning classification(s) that will become effective at the same time the annexation becomes final. The map amendment procedures contained herein shall be followed in assigning said classification(s).
- I. Off-street parking facilities and off-street loading facilities shall be provided on the site for each use as prescribed herein.
- J. Each permitted use or lot shall have access to, and shall front on, a public street or road.

- K. The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.
- L. It is expressly understood that all districts provide for the compatible existence of agricultural activities and uses; however, concentrated feeding operations are prohibited in all zones. (Ord. No. 277, Sec. 5.)

#### 14.04.06 Non-conforming structures and uses

##### A. Continuance of use

1. Any lawfully established use of a structure or land, on the effective date of this ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
2. Any legal non-conforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
3. Any structure, for which a building permit has been lawfully granted prior to the effective date of this ordinance, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

##### B. Discontinuance of use

1. Whenever any part of a structure or land occupied by a non-conforming use is changed to, or replaced by, a use conforming to the provisions of this ordinance, such premises shall not thereafter be used or occupied by a non-conforming use, even though the structure may have been originally designed and constructed for the prior non-conforming use.
2. Whenever a non-conforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
3. Where no enclosed structure is involved, discontinuance of a non-conforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a non-conforming manner.

4. A use not authorized by the city of Greenland, in effect at the time this ordinance becomes effective, shall be discontinued and not re-established, except when such use shall be in conformance with the provisions of this ordinance.
- C. Change of use The non-conforming use of any structure or portion thereof may be occupied by another similar, or less intense, non-conforming use, as may be determined by the Planning Commission. No building in which a non-conforming use has been changed to a more restricted use shall again be devoted to a less restrictive use.
- D. Removal of non-conforming structures and uses All non-conforming signs, billboards, portable signs, and outdoor advertising structures shall be removed from residential and other districts, where no evidence exists that they were legally installed in accordance with all city codes, within one (1) years after the effective date of this ordinance.
- E. Repairs and alterations
1. Normal maintenance of a non-conforming structure or of a conforming structure containing a non-conforming use is permitted.
  2. Alterations may be made when required by law, or when such alterations will actually result in eliminating the non-conforming use.
  3. No structure partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
  4. A structure that is non-conforming with respect to yards, height or any other element of bulk regulated by this ordinance, shall not be altered or expanded in any manner that would increase the degree or extent of its non-conformity with respect to the bulk regulations for the district in which it is located.
- F. Damage and destruction
1. If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by any means to the extent of sixty percent (60%) of more of its replacement value at that time, the structure can be rebuilt or used thereafter only in compliance with the provisions of the district in which it is located.

2. In the event the damage or destruction is less than sixty percent (60%) of its replacement value based upon prevailing costs, the structure may then be restored to its original condition and the structure and use thereof may then continue as before the partial destruction.
3. In either event, restoration or repair of the structure or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion. Failure to exercise the options herein provided within the time specified shall be considered a voluntary abandonment and structure(s) may be rebuilt and used thereafter only for a conforming use and in compliance with provisions of the district in which it is located. As provided in 14.04.05, previously platted non-conforming lots may be utilized. (Ord. No. 277, Sec. 6.)

14.04.07 District regulations

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

1. Base Zoning Districts:

- R-E Residential Estates
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High density Residential
- C-1 Highway 71 Commercial
- C-2 Neighborhood Commercial
- C-3 Thoroughfare Commercial
- I-1 Light Industrial

2. Overlay and Special Purpose Districts:

B. A description of each district follows:

**R-E, Residential Estates**

1. Description and intent This district is intended for application to those areas of the city where it is deemed necessary and desirable to protect farm and ranch lands, as well as the rural residential environment, and to provide open spaces to protect natural areas, floodplains, and watercourses, and to provide for single-family development on large lots and parcels.

2. Permitted uses See the Use Table, which is attached hereto as Appendix A.
3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)
4. Lot dimensions

Minimum area	1 acre
Minimum width at building line	120 feet
Minimum front setback	30 feet
Minimum side setback	20 feet (street side 30')
Minimum rear setback	20 feet
5. Parking requirements Two (2) off-street parking spaces shall be required for each single-family residence. Parking requirements for other uses shall be provided pursuant to subsequent provision hereof.
6. Height, width and area regulations
  - a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
  - b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
  - c. Each principal structure shall have a minimum total dimension on each side of twenty-four (24) feet, and the entire twenty-four (24) feet shall be finished on a permanent foundation.
  - d. Absent conditional use approval of an accessory dwelling, only one (1) dwelling unit per lot, regardless of lot size, shall be permitted.

### **R-1, Low Density Residential**

1. Description and intent This district is intended for application in new single-family residential areas, and previously platted areas generally conforming to requirements of this district, and conditional uses not inconsistent with the residential character of the area.
2. Permitted uses See the Use Table, which is attached hereto as Appendix A.

3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)

4. Lot dimensions

Minimum area	8,000 square feet
Minimum width at building line	80 feet
Minimum front setback	25 feet
Minimum side setback	10 feet (street side 25')
Minimum rear setback	20 feet

Corner lots shall be 10,000 square feet, and have 100 feet of frontage. Lots sizes and dimensions are minimum. Increases may be required for individual lots based upon State Health Department requirements associated with on-site waste disposal system installation.

5. Parking requirements Two (2) off-street parking spaces shall be required for each single-family residence. Parking requirements for other uses shall be provided pursuant to subsequent provision hereof.

6. Height, width and area regulations

- a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
- b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
- c. Each principal structure shall have a minimum total dimension on each side of twenty-four (24) feet, and the entire twenty-four (24) feet shall be finished on a permanent foundation.
- d. Only one (1) dwelling unit per lot, regardless of lot size, shall be permitted.

**R-2, Medium Density Residential**

1. Description and intent This district is intended for application in new and existing residential areas characterized by single-family structures, including manufactured homes, and duplexes on lots of at least 12,000 square feet.

2. Permitted uses See the Use Table, which is attached as Appendix A.



3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)

4. Lot dimensions

Minimum area	12,000 square feet
Minimum width at building line	100 feet
Minimum front setback	25 feet
Minimum side setback	7 feet (street side 25')
Minimum rear setback	20 feet

Lot sizes and dimensions are minimum. Increases may be required for individual lots based upon State Health Department requirements associated with on-site waste disposal system installation.

5. Parking requirements Two (2) off-street parking spaces shall be required for each single-family residence. Parking requirements for other uses shall be provided pursuant to subsequent provision hereof.

6. Height, width and area regulations

- a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
- b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
- c. Each principal structure shall have a minimum total dimension on each side of twenty-four (24) feet, and the entire twenty-four (24) feet shall be finished on a permanent foundation.
- d. Only one (1) dwelling unit per lot, regardless of lot size, shall be permitted.

### **R-3, High Density Residential**

1. Description and intent This district is intended for single and multi-family uses at various densities, not to exceed twenty-four (24) dwelling units/acre, and more intense residentially related uses. Accessibility to sanitary sewer facilities shall be a prerequisite for assignment of the R-3 classification.

2. Permitted uses See the Use Table, which is attached as Appendix A.

3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)
  
4. Lot dimensions

Minimum area	12,000 square feet
Minimum width at building line	100 feet
Minimum front setback	25 feet
Minimum side setback	7 feet (street side 25')
Minimum rear setback	20 feet
  
5. Parking requirements Two (2) off-street parking spaces shall be required for each residential dwelling unit. For other uses see 10.04.10(B).
  
6. Height, width and area regulations
  - a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
  - b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
  - c. Each principal structure shall have a minimum total dimension on each side of twenty-four (24) feet, and the entire twenty-four (24) feet shall be finished on a permanent foundation.
  - d. Only one (1) dwelling unit per lot, regardless of lot size, shall be permitted.
  - e. Building coverage shall not exceed forty percent (40%) of the lot area.
  - f. Signs shall comply with the Greenland Sign Ordinance.

**C-1, Highway 71 Business District**

1. Description and intent This district is intended for application to the original Highway 71 Commercial area. This district conditionally allows mixed retail/office/residential use in a manner intended to provide goods and services to residential area in the vicinity in an aesthetically pleasing manner consistent with Highway 71's scenic designation.
  
2. Permitted uses See the Use Table, which is attached as Appendix A.

3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Provided further, mixed use developments, including retail/office/residential/personal services, and uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than uses permitted in this zone, may also be considered. (Ord. No. 2011-300, Sec. 1.)

4. Lot dimensions

Minimum area	½ acre
Minimum width at building line	100 feet
Minimum front setback	30 feet
Minimum side setback	20 feet
Minimum rear setback	15 feet

5. Parking requirements Off-street parking shall be provided for each use pursuant to provisions herein.

6. Height, width and area regulations

- a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
- b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
- c. Screening, with an opaque fence of wood or masonry construction of at least six (6) feet in height, shall be erected and maintained when a “C-1” use abuts a residential district or use that is not part of a mixed use in the “C-1” zone.
- d. Any light used to illuminate “C-1” uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.
- e. Building coverage shall not exceed fifty percent (50%) of the lot area.
- f. Signs shall comply with the Greenland Sign Ordinance.
- g. *Greenland Design Standards Pattern book* guidelines are applicable.

**C-2, Neighborhood Commercial**

1. Description and intent This district is intended for use in areas of transition between residential uses and higher intense commercial areas,

and in areas that are designed to accommodate convenient neighborhood commercial establishments that can be operated in harmony with adjacent residential uses.

2. Permitted uses See the Use Table, which is attached hereto as Appendix A.
3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)
4. Lot dimensions

Minimum area	½ acre
Minimum width at building line	100 feet
Minimum front setback	25 feet
Minimum side setback	15 feet
Minimum rear setback	15 feet
5. Parking requirements Off-street parking spaces shall be required as provided in 10.04.10.
6. Height, width and area regulations
  - a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
  - b. Accessory buildings shall comply with provisions of 14.04.09 hereof.
  - c. Building coverage shall not exceed forty percent (40%) of the lot area.
  - d. Where a “C-2” district abuts a residential district or use, screening with an opaque fence of wood or masonry construction having a height of not less than six (6) feet shall be erected and maintained between such properties.
  - e. Any light used to illuminate “C-2” uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.
  - f. Signs shall comply with the Greenland Sign Ordinance.
  - g. *Greenland Design Standards Pattern Book* guidelines are applicable.

### C-3, Thoroughfare Commercial

1. Description and intent This district is intended for application to general commercial areas that provide for heavy retail trade, service, and business needs of the city. This district is generally located along, and immediately adjacent to, major streets and highways. It may be assigned at commercial nodes in the future, and is not intended to be used in a strip manner.
2. Permitted uses See the Use Table, which is attached as Appendix A.
3. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)
4. Lot dimensions

Minimum area	¾ acre
Minimum width at building line	120 feet
Minimum front setback	40 feet
Minimum side setback	20 feet
Minimum rear setback	20 feet
5. Parking requirements Off-street parking shall be provided for each use pursuant to provisions herein.
6. Height, width and area regulations
  - a. No principal building shall exceed two and one-half stories, nor shall it exceed thirty-five (35) feet in height.
  - b. Building coverage shall not exceed forty percent (40%) of the lot area.
  - c. Accessory buildings shall comply with provisions of 10.04.09.
  - d. Screening with an opaque fence of wood or masonry construction having a height of at least six (6) feet in height, shall be erected and maintained when a “C-3” use abuts a residential district or use.
  - e. Any light used to illuminate “C-3” uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.
  - f. Signs shall comply with the Greenland Sign Ordinance.
  - g. *Greenland Design Standards Pattern Book* guidelines are applicable.

## I-1, Light Industrial

1. Description and intent This district is intended for clean, quiet industries on amply landscaped sites that can be operated compatibly with commercial, residential, and agricultural uses, and that can be demonstrated to benefit the tax base of the city.
2. Required conditions No use shall be permitted, and no process, equipment, or material shall be employed which is found by governmental authorities to be objectionable to persons or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, dirt, refuse, water-carried waste, noise, vibration, unsightliness, or to involve any hazard of fire or explosion. Proposed uses which the Zoning Official determines ay not meet these required conditions, or that may not be consistent with the description and intent of this district, shall be referred t the Planning commission for consideration as conditional uses.
3. Permitted uses See the Use Table, which is attached as Appendix A.
4. Conditions uses See the Use Table, which is attached hereto as Appendix A. Conditional use application procedures, and consideration criteria are discussed in 14.04.08. Also, see Appendix B, the Site Plan/Conditional Use Application Checklist. Other uses deemed by the Planning Commission to be consistent with the basic intent of this district, and that are equal to or less intense than was permitted in this district, may also be considered. (Ord. No. 2011-300, Sec. 1.)
5. Parking requirements Off-street parking shall be provided for each use pursuant to provisions herein.
6. Height, width and area regulations
  - a. Height limitation for principal buildings shall be thirty-five (35) feet.
  - b. Building setbacks shall be a minimum of one hundred (100) feet in the front and twenty (20) feet in both the rear and sides. Minimum width at the building line shall be three hundred (300) feet.
  - c. Each structure or use shall provide on-lot loading and unloading facilities that will allow such activities to be carried on without blocking or in any way interfering with traffic.
  - d. Building coverage shall not exceed fifty percent (50%) of the lot area, which shall be a minimum of five (5) acres.
  - f. Signs shall comply with the Greenland Sign Ordinance.
  - g. *Greenland Design Standards Pattern Book* guidelines are applicable.

- h. Accessory buildings shall comply with provisions of 10.04.09 hereof.

### **Overlay and Special Purpose Districts**

The purpose of Overlay and Special Purpose Districts is to provide for enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include: Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures; encouraging the re-development of an area consistent with a particular design theme; giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention; giving special attention to the existing architectural style or to the style which is planned, so as to create an easily identifiable area in those areas identified as architecturally or historically significant.

The City Council, upon recommendation from the Planning Commission, may adopt Overlay and Special Purpose Districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with the comprehensive plan provisions for the area being regulated, which shall be applied as additional standards to other regulations. The development criteria for each district shall be those standards as set out in each respective district that is adopted. Such districts shall be made a part of the Zoning Ordinance through the standard amendment procedures, and upon adoption, the boundaries of such districts shall be delineated on the Official Zoning Map. (Ord. No. 277, Sec. 7.)

#### 14.04.08 Conditional uses

- A. Nature and description Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unique character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as “conditional uses,” and may, if approved, be located in the district or districts so designated (“C”) in the Use Table (see Appendix A) only in accordance with the procedure described herein.
- B. Development standards and review guidelines All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system,

ingress and egress, off-street parking, loading, and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped area shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

In carrying out the purpose of this section, the following development standards and design specifics, in addition to those in the *Greenland Design Standards Pattern Book*, shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

1. The proposed use is within the provision of “conditional uses” as set out in this ordinance.
2. The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
3. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
4. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
5. The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this ordinance.
6. The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of this ordinance.
7. The proposed landscaping and screening of the proposed use are in accordance with city requirements.
8. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

C. Procedure for authorizing The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

1. An application shall be filed upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. The application shall be accompanied by graphic representation (see Appendix B) showing the location and proposed use of



the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent street; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

The filing deadline for inclusion on the Planning Commission agenda shall be the 10<sup>th</sup> day of the month preceding the Planning Commission meeting, which is held on the first Monday of each month. Should the 10<sup>th</sup> fall on a weekend or holiday, the next following workday shall be the filing deadline.

2. Upon determining that an application is proper and complete, the matter shall be set for public hearing before the Planning Commission. The city administration shall be responsible for insuring that, pursuant to law, at least fifteen (15) days' notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence, at least ten (10) days prior to the required public hearing, that all adjoining property owners, including those across the street, have been notified of the proposed use, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat or parcel map showing the location of those properties, the owners of which the applicant certifies have been so notified.

3. The Planning Commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the Planning Commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month, deny the application, or refer it to the City Council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the Planning Commission.

In approving such conditional uses, the Planning Commission shall impose such conditions and restrictions upon the premises, as it deems necessary to reduce or minimize the adverse effects of the use. compatibility with surrounding property shall be insured to the maximum extent practicable.

In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of this ordinance relating to height, area, setbacks, parking, or landscaping. In addition, no conditional use authorized by the Planning Commission or City Council shall be subsequently considered in connection with a variance request to the Board of Zoning Adjustment.

If the Planning Commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such Planning Commission action, or any condition(s) placed upon application approval, to the City Council within ten (10) days of the Planning Commission's action. The appeal shall be in writing to the Recorder/Treasurer, and shall specifically state why the Planning Commission's findings and decision was arbitrary, capricious, and inappropriate. If denied, no application for such use or similar use shall be permitted involving any part of the same property for a period of six (6) months.

4. No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures with the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall run with the land, and shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limits specified in the particular permit, the property owner may request that the permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The applicant or his successors or assigns shall comply with all conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit. Failure to do so shall constitute a violation of this ordinance, and shall be cause for revocation of the conditional use authorization.

Provided sufficient site information is submitted with the approved development plan, the Planning Commission may waive otherwise mandated site plan review requirements. (Ord. No. 277, Sec. 8.)

#### 14.04.09 Accessory uses

- A. General description An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings, and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.
- B. Location requirements and standards An accessory building shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; and shall be set back at least five (5) feet from a property line; shall not be located within any public easement or over any known utilities or septic lines. The percentage of allowable lot space to be occupied by the accessory structure is hereby reduced from twenty percent (20%) to ten percent (10%). Accessory buildings shall not exceed the floor area of the principal use in R-E, R-1, R-2, or R-3 zones. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks. (Ord. No. 312, Sec. 1.)

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main buildings, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten (10) feet from any other structure.

With regard to height limitations, accessory structures in residential districts shall not exceed the height of the principal structure or twenty-five (25) feet in height,

whichever is less, measured from the eave; and in commercial districts, such structures shall not exceed thirty-five (35) in height or the height of the principal structure on the lot. Provided however, that accessory structures (such as barns) associated with normal farming or ranching operations shall be exempt from this limitation.

- C. Residential accessory uses Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: accessory dwelling units (subject to imitations outlined below); fences and walls; garages, carports and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements outlined below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.
1. Accessory dwelling units shall be allowed if conditional use approval is given by the Planning Commission in R-E districts provided that the dwelling unit is used to house immediate family members or employees who work on-site. Accessory dwelling units shall not be used for general rental purposes.
  2. A home occupation shall be allowed as n accessory use in residential districts subject to compliance with the following requirements, which are intended to balance protection of residential character with enabling residents to work from home:
    - a. The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.
    - b. The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
    - c. The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
    - d. The home office or business does not cause interference with radio, telephone, or television reception in the vicinity.
    - e. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

- f. The home office or business sells no articles on the premises that are not produced on the premises.
  - g. A home occupation shall be carried on wholly within the principal residential structure. No home occupations shall be allowed in accessory buildings or garages.
  - h. The home office or business occupies no more than twenty-five percent (25%) of the total floor area of the residence.
  - i. There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
  - j. Not more than one (1) truck of not more than two and one-half (2 ½ ) ton capacity, and no semi-trailers, incidental to the home occupation, shall be kept on the premises.
  - k. Customers may visit the site only during the hours of 8:00 a.m. to 8:00 p.m. and no more than six (6) customers or clients may visit the site in any single day.
  - l. Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.
3. Prohibited home occupations include, but are not limited to the following:
- a. Barber and beauty shops.
  - b. Dispatch centers, where employees come to the site to be dispatched to other locations.
  - c. Commercial stables, kennels, and animal boarding and care facilities.
  - d. Assembly or repair of large appliances.
  - e. Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
4. Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:
- a. Each such sale shall be registered in writing or by telephone with the Recorder/Treasurer.
  - b. Each property address and/or person shall be limited to no more than four (4) such sales per year.
  - c. Sales shall not last longer than three (3) consecutive days.
  - d. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property on one of the participants.

- e. No goods purchased for resale may be offered for sale.
- f. No consignment goods may be offered for sale.
- g. Directional and advertising signs shall comply in all respects with city codes. Under penalty of law, no signs shall be placed on traffic or official signs, utility poles, or living trees.  
(Ord. No. 277, Sec. 9.)

14.04.10 General standards

A. Manufactured homes All manufactured dwelling units shall comply with the following standards. Single-wide manufactured homes shall only be permitted in manufactured home parks.

1. Size

- a. The minimum width of a manufactured home shall be twenty-four (24) feet with the width measured perpendicular to the longest axis at the narrowest part.
- b. The length of a manufactured home shall not exceed four (4) times its width, with length measured along the longest axis.
- c. A manufactured home shall have a minimum area of one thousand two hundred (1,200) square feet (enclosed and heated living area).

2. Roof

- a. Pitch The roof must be predominantly double-pitched and have a minimum vertical rise of four (4) inches for every twelve (12) inches of horizontal run.
- b. Materials The roof must be covered with material that is customarily used on site-built housing units.
- c. Eaves The roof shall have a minimum eave projection and roof overhang of ten (10) inches which may include a gutter.

3. Siding

- a. Materials Exterior siding must be of a material customarily used on site-built housing units. Customary materials include wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials. Customary materials do not include smooth, ribbed or corrugated metal or plastic panels or material that has a high gloss finish.

- b. Design and placement Siding material shall extend below the top of the foundation or curtain wall, or the join between the siding and enclosure wall shall be flashed in accordance with the Building Code.
  - 4. Installation of unit
    - a. Guidelines The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Conference of Building Officials (ICBO) and published in the most recent edition of *Guidelines for Manufactured Housing Installations*.
    - b. Foundation A continuous, permanent concrete or masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the unit, also in accordance with the above referenced ICBO guidelines.
  - 5. Entrance landing area At the main entrance door to the unit, there shall be a landing that is a minimum of five (5) square feet constructed in accordance with Building Code requirements.
  - 6. Transport equipment All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.
  - 7. Finished floor elevation The finished floor of the unit shall meet the manufacturer's specifications unless the unit is located in a floodplain, in which case floodplain regulations shall rule.
  - 8. Additions Attached additions and detached garages shall comply with the Building Code, and floodplain regulations, if applicable. All standards of this section shall apply to such additions and garages.
  - 9. HUD Code Certification Prior to issuance of a permit to locate a manufactured home in Greenland, evidence shall be presented to the Building Official that the dwelling unit was constructed in accordance with the federal (HUD) standards and meets the definition set forth in the federal standards and under A.C.A. 20-25-102.
- B. Off-street parking and off-street loading facilities
- 1. Off-street parking facilities required

- a. A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for the type of off-street parking need that must be satisfied.
- b. In any residential district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space, garage or carport.
- c. At the time of initial occupancy of a site or of construction of a building, there shall be provided off-street parking facilities for automobiles in accordance with the requirements of these regulations.
- d. Parking space schedule:
  - (1) Single-family residential – 2 spaces/dwelling unit.
  - (2) Retail sales and convenience stores – 5 spaces/1,000 square feet of gross floor area.
  - (3) Business/professional offices and banks – 3 ½ spaces/1,000 square feet of gross floor area.
  - (4) Personal services – 5 spaces/1,000 square feet of gross floor area.
  - (5) Restaurants – 15 spaces/1,000 square feet of gross floor area.
  - (6) Day care facilities – 1 space/staff and/or attendant, plus 2 additional spaces; an off-street drop-off and pick-up areas shall be provided as a condition of approval.
  - (7) Churches – 1 space/4 seats in the sanctuary.

2. Location of off-street parking facilities In all districts, off-street parking facilities prescribed in this section shall be located as hereinafter specified.

- a. For residential dwellings and commercial establishments, parking facilities shall be located on the same site as the buildings they are to serve.
- b. For any church, there shall be allowed the use of joint parking facilities in connection with any building or use not normally open, used, or operated during the principal operating hours of a church; provided a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the City Attorney, shall be filed with the application for a zoning permit.



- c. No parking shall be allowed in any front yard of a residential use, except when parked on the driveway, provided such does not block a sidewalk or create an obstruction to visibility.
- d. When the required parking spaces for residential dwellings are not to be provided in a covered garage or carport, such spaces shall be located or constructed so that it may be later covered by a garage or carport structure in accordance with the provisions of these regulations.
- e. No parking at commercial establishments shall be located within the first ten (10) feet of the required front or side setback nearest the adjoining street(s).

3. Standards for off-street parking facilities

- a. Each parking space shall be not less than twenty (20) feet in length and nine (9) feet in width, exclusive of aisles and access drives. Including the ingress and egress areas and aisle space, the parking area shall provide for three hundred (300) square feet per vehicle.
- b. All parking areas shall have adequate ingress or egress to a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
- c. Entrances and exits to parking lots and other parking facilities shall not be closer than twenty-five (25) feet to street intersections, and shall be subject to site plan approval.
- d. If the parking area is illuminated, lighting shall be arranged so as to not cause annoying glare to adjoining residential uses.
- e. No commercial repair work, servicing of vehicles, or parking of new or used motor vehicles for the purpose of storage, rent, or sale shall be conducted on a required parking area.
- f. All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete or brick ; provided driveways serving single-family dwellings shall only be required to pave the first one hundred (100) feet as measured from the street. The area of the driveway from the edge of the street to the property line shall be paved.
- g. All off-street parking and loading area shall be designed with drainage facilities adequate to dispose of all stormwater, and to not increase the stormwater runoff onto the surface of adjoining properties or streets.
- h. The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of single-family

residences. Landscape islands and other interior features within parking lots shall also be protected by curbs. The area between the curb and the property line, except for the driveway, shall be maintained as green space by the property owner.

- i. Off-street parking areas containing five (5) or more spaces shall have such spaces delineated by pavement striping. Pursuant to American's With Disability Act (ADA) standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities. Responsibility for compliance with ADA, in all respects, shall rest with the applicant.
- j. Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to "back" onto a public right-of-way, except single-family residential development on local and collector streets.
- k. Off-street loading spaces shall be at least fourteen (14) feet by forty-five (45) feet in size, with a minimum eighteen (18) foot height clearance.
- l. Drive aisles within off-street parking lots shall be two-way, with a minimum width of twenty-four (24) feet.
- m. All required parking and loading spaces, driving aisles, and access ways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this "timing" requirement. Said temporary certificate shall expire at the end of one hundred twenty (120) days.
- n. Off-street parking, as an accessory to residential uses, includes the parking of valid licensed passenger automobiles, pickup trucks, vans, recreational equipment and recreational vehicles solely for use by the occupants of the dwelling or by guests of the occupants. Under no circumstances shall off-street parking, as an accessory use, be used for the parking of commercial vehicles that weigh over two and one-half (2 ½ ) tons.
- o. One boat, one trailer and one recreational vehicle may be parked outdoors on a lot in a residential district provided that:
  - (1) The boat, trailer or recreational is owned and used by a resident of the premises;

- (2) The boat, trailer or recreational vehicle is not parked in the street, except for the purpose of loading or unloading during a period of less than eight (8) hours.
  - (3) The boat, trailer or recreational vehicle is not used for living, sleeping, or housekeeping purposes at this location.
  - (4) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law; and
  - (5) No boat, trailer or recreational vehicle may be parked on a street for more than eight (8) hours (to accommodate loading or unloading). (Ord. No. 305, Sec. 1.)
- p. In addition to meeting the off-street parking requirements of this section, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards:
- (1) Stack space schedule
    - (a) Fast-food restaurants, 110', measured from the order station.
    - (b) Banks, 70', measured from the teller drop.
    - (c) Automatic car wash, 50', measured from the entrance.
    - (d) Other uses, 30' measured from the pick-up window.
  - (2) Design and layout Vehicle stack spaces shall be subject to the following design and layout standards:
    - (a) Stack spaces shall be designed so as not to impede pedestrian access to the building; on and off-site traffic movements; or movements into or out of parking spaces.
    - (b) Stack space lanes shall be a minimum of eight (8) feet wide, and shall be separated from other internal driveways with painted lines or curbing.

C. Driveways and access

- 1. Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.
- 2. Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to site plan approval. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
- 3. At least one (1) driveway shall be permitted for each lot.

4. Driveways shall be located a minimum of ten (10) feet from the side property lines. A separation of twenty (20) feet is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty (50) feet to each other.
  5. Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than five (5) feet to the beginning of the curb radius.
- D. Ingress/egress driveway width The width of the driveway throat shall not exceed forty (40) feet in width. Driveway lanes shall be a minimum of thirteen (13) feet in width and shall not have more than three (3) lanes in one entrance/exit.
- E. Dumpster screening Dumpsters located in any district shall be completely screened from view on three (3) sides by a fence or wall with a minimum height of six (6) feet or one (1) foot taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster, and be compatible in material and color with the principal structure on the lot.
- F. Corner visibility On corner lots at intersecting two-way street, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above curb grade with the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five (25) feet from their point of intersection. This sight triangle standard may be increased by the city in those instances deemed necessary for promoting traffic safety, and may be lessened at intersections involving one-way streets.
- G. Fences
1. Fences shall not exceed eight (8) feet unless approved by the Planning Commission; provided fencing around tennis courts and other recreational amenities, shall be exempt from this height limit.
  2. Fences shall comply with the corner visibility standards of (F) above.
  3. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut non-residential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the “outside” of the fence. All exposed steel,

except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

4. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surfaces finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
5. Barbed wire and electrified fences shall be prohibited on all lots of less than one (1) acre in area. (Ord. No. 277, Sec. 10.)

14.04.11 Amendments Two (2) types of amendments to the Zoning Ordinance are recognized: one being a revision in the textual provisions of the ordinance, and the other being a change of boundary in a zoning district (a.k.a. a map amendment or rezoning).

- A. Amendments to the text The Planning Commission, City Council, or Mayor may initiate amendments to the text. Proposed amendments shall be processed in accordance with the procedures set forth below.
  1. Notice The city administration shall be responsible for scheduling a public hearing before the Planning Commission. The city administration shall prepare the content of a public notice, and ensure that the notice is published in a newspaper of general circulation within the city one (1) time, at least fifteen (15) days before the public hearing.
  2. Hearing and recommendations The Planning Commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the Planning Commission shall determine its recommendations(s) regarding the proposed amendment, and make such known to the City Council.
  3. Action by City Council After receiving the recommendation of the Planning Commission, the City Council may approve the amendment as submitted; may approve a revised version they deem appropriate, after referring it back to the Planning Commission for further study and consideration; table it, or deny it. If the City Council action does not take place within six (6) months after the Planning Commission's initial public hearing, the amendment process must begin anew.
- B. Change in district boundary After adoption of a new or revised Land Use Plan, Comprehensive Plan, or Zoning Ordinance, the Planning Commission may

initiate a re-evaluation of zoning district boundaries on a citywide basis, and prepare a new zoning map with recommended boundary changes, as well as new district assignments, if applicable, for City Council approval consideration. In undertaking such initiative, the city shall be subject to compliance with the procedure outlined in A.C.A. 14-56-422.

A change in a specific district boundary, also referred to as a map amendment or a re-zoning may also be proposed by a property owner or by his legal agent. Such amendments shall be considered in accordance with the procedures set forth below.

1. Application submittal A complete application for change in a district boundary or map amendment, hereafter referred to as a re-zoning, shall be submitted in a form prescribed for that purpose. The following shall be included in the application:
  - a. Five (5) copies of a survey, including legal description of the parcel or lot to be rezoned;
  - b. A written description explaining the need for a cone change and how the property will relate to the surrounding area in terms of land use, traffic, appearance, signage, and other pertinent factors;
  - c. List of names and mailing addresses of adjacent property owners within one hundred (100) feet of the subject property; and
  - d. Payment of a non-refundable processing fee in the amount approved by the City Council.

Applications shall be filed by the 10<sup>th</sup> of the month in order to be placed on the Planning Commission agenda for the next first Monday of the month meeting.

2. Notice Promptly upon determining that the application is complete, and after payment of the required application fee, the city administration shall schedule a public hearing date and provide at least fifteen (15) days' notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time, date, and place of the public hearing, give the general location and description of the property, such as the street address and acreage involved, describe the nature, scope and purpose of the application, and indicate where additional information about the application can be obtained.
3. The city shall:
  - a. post notice on weatherproof signs;

- b. place the signs on the property that is the subject of the application at least ten (10) days before the public hearing; and
  - c. ensure that the signs remain continuously posted until a final decision is made by the City Council.
4. The city shall provide notice to adjacent property owners within one hundred (100) feet of the subject property at least ten (10) days prior to the Planning Commission's public hearing. This notice shall be by general mail delivery, or hand delivered by a representative of the city. The notice shall include the address of the property, the existing and proposed zoning classifications, and the time, date, and place of the hearing.
5. Hearing and recommendation by the Planning Commission The Planning Commission shall hold a public hearing on the proposed re-zoning. At the conclusion of the hearing, and after deliberation, the Commission may recommend approval as submitted; may recommend approval of less area and/or of a lesser intensity, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application; and submit an accurate written summary of the proceedings to the City Council.
6. Action by the City Council After the Planning Commission recommends approval of a re-zoning application, the city shall be responsible for preparing the appropriate ordinance and requesting that it be placed on the City Council's agenda.

If the Planning Commission does not recommend approval of the application, the City Council may consider the matter only after a formal request is filed by the applicant with the Recorder/Treasurer, along with an appeal fee of One Hundred Dollars (\$100.00). A special public hearing shall be set, and subsequently held by the City Council prior to a decision being rendered. Applicant responsibility with regard to filing documents with the Recorder/Treasurer, as described above, is also applicable.

In considering an application for approval, whether on appeal or not, the City Council may reduce the amount of land area included in the application, but not increase it, and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the Planning Commission's required public notice.

7. Approval criteria Criteria for approval of a re-zoning are set out below. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include, but shall not be limited to the following:
- a. Consistency of the proposal with the land use plan, the comprehensive plan, or other adopted plans of the city.
  - b. consistency of the proposal with the purposes of this ordinance.
  - c. compatibility of the proposal with the zoning, uses, and character of the surrounding area.
  - d. Suitability of the subject property for the uses to which it has been restricted without the proposed re-zoning.
  - e. Extent to which approval of the proposed re-zoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.
  - f. Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
  - g. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.
8. Successive applications In the event that the City Council denies an application for a re-zoning, a similar application involving any of the property considered in the previous re-zoning request shall not be considered by the Planning Commission for six (6) months from the date of the denial by the City Council, unless the Planning Commission determines that there is a significant change in the size or scope of the proposal, or that conditions have changed in the area affected by the proposed re-zoning. (Ord. No. 277, Sec. 11.)

14.04.12 Use Chart, Appendix A Uses that may be permitted in the foregoing districts are set forth in this table. Where the letter “X” appears opposite a listed use and underneath a district, the use is permitted in that district “by right” subject to compliance with all provisions of this ordinance and other applicable city codes. Where the letter “C” appears instead of “X,” the use may be permitted subject to acquiring a conditional use permit as set forth in 14.04.08 of the Zoning Ordinance. Where neither “X” nor “C” appears similarly within the table, the use is not permitted.



	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-E</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>
Addressing, duplicating, mailing list, stenographic telephone					X	X	X	X
Adult day care center	C	C	C	C	X	X	X	X
Advertising agency					X	X	X	X
Alcohol sales					C	C	X	X
Ambulance service					X	X	X	X
Amusement, commercial					C	C	X	X
Animal clinic (enclosed) small animals					X	X	X	X
Animal hospital					C	C	X	X
Animal shelter					C	C	X	X
Antique store					X	X	X	X
Apartment house	C	C	X	C	C	C		
Apparel and accessories store					X	X	X	X
Appliance repair (enclosed)					X	X	X	X
Arena (indoor auditorium)					C	C	X	X
Arena (outdoor)					C	C	C	X
Armored car service					C	C	X	X
Art gallery, museum or similar public use					X	X	X	X
Auto glass or muffler shop					C	C	X	X
Automobile accessory tire or battery stores without tire recapping					C	X	X	X
Automobile and truck rental					C	X	X	X
Automobile and truck sales (new and used) and service					C	C	X	X
Automobile auction								X
Automobile body shop					C	C	C	X
Automobile service station, not including motor repair or painting					X	X	X	X
Automobile wash service, (permanent structure) including self-service					C	X	X	X
Automobile, bus, or truck dismantling, salvaging, or wrecking								X
Baked goods, candy, bread, dairy and ice cream manufacturing					C	C	C	X
Bakery and confectionery shop					X	X	X	X
Bank or savings and loan					X	X	X	X
Barber or beauty shop					X	X	X	X
Batching or mixing plant, asphaltic or Portland cement, concrete								X
Bed and Breakfast	C	C	C	C	X	X	X	X
Bicycle store					X	X	X	X
Billiard or pool parlor					C	C	X	X

Blueprinting, photocopying, and similar reproductive service					X	X	X	X
Boat and marine rental, repair, and sales					C	C	X	X
Bookstore					X	X	X	X
Bottling works, all beverages								X
Bowling alley					C	C	X	X
Building materials or lumber yard					C	C	X	X
Building services including janitorial services, floor waxing, and office cleaning					X	X	X	X
Bus garage or equipment maintenance							X	X
Bus sales, service, rental, and repair							C	X
Bus station					C	C	C	X
Camera and photographic supply store					X	X	X	X
Carnival, circus, or similar temporary amusement enterprise					C	C	C	X
Carpentry, woodworking (small-scale)					C	C	C	X
Carting, crating, express handling, moving – large scale							C	X
Carting, crating, express handling, moving – small scale					C	C	C	X
Catering service					X	X	X	X
Chemicals compounding or packaging								X
Child care facility					X	X	X	X
Church, synagogue, or temple, including Sunday school facilities	C	C	C	C	X	X	X	X
Cigar, tobacco, or candy store					X	X	X	X
Clinic, dental, medical or osteopathic, chiropractist,, pharmacy, optical					X	X	X	X
Clothing, custom dress making or altering for retail, including tailoring and millinery					X	X	X	X
Clothing, second hand sales					X	X	X	X
College, junior college, professional school; public or equivalent private	C	C	C	C	C	C	X	X
Columbarium					C	C	C	X
Community welfare or health center					C	X	X	X
Compounding of cosmetics, toiletries, drugs, and pharmaceutical products								X
Computer data processing, or similar service					X	X	X	X
Construction equipment repair, sales or storage							C	X
Contractor (construction) facilities other than office					C	C	C	X
Contractor (special trade) facilities other than office					C	C	C	X
Convalescent/maternity/nursing home	C	C	C	C	X	X	X	X
Convenience store (gas/retail)					X	X	X	X

Country club, golf course, swimming pool, or other private recreational uses usually associated with a social country club or subdivision association operated for mutual recreation of members and not for profit	C	C	X	X				
Crematory							C	X
Custom ceramic products manufacturing					C	C	C	X
Day care center					X	X	X	X
Delivery service					X	X	X	X
Department store					X	X	X	X
Disinfecting, deodorizing, or exterminating service					C	C	C	X
Drafting service					X	X	X	X
Drive-in restaurant					X	X	X	X
Drugstore or pharmacy					X	X	X	X
Dry goods store					X	X	X	X
Dry-cleaning and dyeing plant					C	C	C	X
Dry-cleaning, pickup, or self-service					X	X	X	X
Duplex		X	X					
Dwelling attached (attached to the business; and gives all appearances of being part of the business building)					C	C	C	X
Dwelling, zero lot line (residential)	C	C	X					
Dwelling, zero lot line (commercial)					C	C	X	X
Electric utility maintenance facility								X
Employment service					X	X	X	X
Farm equipment: sales, service, rental, supplies, and repair					C	C	C	X
Financial institution					X	X	X	X
Fire extinguisher service					X	X	X	X
Fire protection and related activities facility	C	C	C	C	X	X	X	X
Fireworks: manufacture, storage, warehousing, or wholesaling					C	C	C	X
Flammable gases or liquids; storage							C	X
Florist shop					X	X	X	X
Food locker plant							C	X
Food products, including bakery goods, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry, but not including slaughtering of animals or poultry							C	X
Food store including bakery (retail only)					X	X	X	X
Freight depot, railroad or truck					C	C	C	X
Freight forwarding service (enclosed)					X	X	X	X
Funeral home mortuary, or undertaking establishment					X	X	X	X
Furniture manufacturing					C	C	C	X

Furniture, home furnishings, and equipment store: sales and repair					X	X	X	X
Garage apartment	C	C	C	C				
Garage or parking for commercial or public utility vehicles					C	C	C	X
Garbage or trash; assembly, incineration or processing								X
Garden supply store					X	X	X	X
General store: general merchandise store					X	X	X	X
Gift, novelty or souvenir shop					X	X	X	X
Glass or glass products sales					X	X	X	X
Greenhouse					C	C	X	X
Grocery store					X	X	X	X
Gunsmith shop (enclosed)					C	X	X	X
Handcraft, ceramic sculpture, or similar artwork sales					X	X	X	X
Hardware store					X	X	X	X
Hardware, industrial sales					C	C	C	X
Hay, grain, or feed store					C	C	X	X
Hazardous material storage								X
Health studio or spa					X	X	X	X
Home occupation	C	C	C	C				
Hospital services					C	C	X	X
Hotel/motel					C	C	X	X
Household appliance store					X	X	X	X
Ice plant, dry, or natural							C	X
Ice vending machine establishment					X	X	X	X
Interior decorating shop					X	X	X	X
Jewelry: sales and repair					X	X	X	X
Kennel					C	C	X	X
Laundry, self-service and pickup station, laundry services, Laundromat					X	X	X	X
Laundry: Linen supply or industrial					C	C	C	X
Leather goods or luggage store					X	X	X	X
Library, private, non-profit and public	C	C	C	C	X	X	X	X
Loan office					X	X	X	X
Locksmith, key shop					X	X	X	X
Lodge or fraternal organization					C	C	X	X
Machinery sales and service					C	C	C	X
Manager/caretaker residence					C	C	C	X
Manufactured housing	C	C	X	C				
Manufactured home park			X					
Manufacturing – light: processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration,					C	C	C	X

etc)								
Medical appliance fittings and sales					X	X	X	X
Mini-warehouse					C	C	C	X
Mobile home and/or travel trailer sales and service only					C	C	X	X
Monument sales					X	X	X	X
Motion picture theater					X	X	X	X
Motorcycle display: sales and service					C	C	X	X
News syndicate service printing and publishing including engraving or photoengraving					C	C	C	X
Newsstand					X	X	X	X
Nursery (plants) sales					C	X	X	X
Office					X	X	X	X
Optical laboratory/shop					X	X	X	X
Pawn shop					C	C	X	X
Pet shop					X	X	X	X
Petroleum products: storage								X
Plumbing, electrical, air conditioning, heating shop					X	X	X	X
Printing shop: lithographer, printer, blueprinting					X	X	X	X
Radio transmitting station or tower other than amateur					C	C	C	X
Recreation facilities, commercial			C		C	C	X	X
Recreation vehicle parks			X		C	C	C	X
Recycling & reclamation center (or holding facility)								X
Restaurant					X	X	X	X
Retail – general					X	X	X	X
Retail – high impact							X	X
Retail – restricted (alcohol, adult materials, etc.)								X
Sales, service, repair, or rental of business machines					X	X	X	X
Salvage yard; auto recycling center					C	C	C	X
School: public or private					C	C	X	X
Secondhand automotive parts, accessories, battery or tire dealer					C	C	C	X
Single-family dwelling	X	X	X	X				
Skating rink					C	X	X	X
Steel products: fabrication and assembly							C	X
Studio – photographic					X	X	X	X
Studio: art, drama, speech, dance, music, ceramics					X	X	X	X
Studio: broadcasting or recording					X	X	X	X
Swimming pool: sales and service					C	X	X	X
Tattoo parlor					X	X	X	X
Taxidermist					C	C	C	X
Tire recapping								X
Tool and equipment rental					C	C	C	X
Tool sharpening					X	X	X	X

Townhouse		X	X					
Travel arranging service					X	X	X	X
Upholstery shop					X	X	X	X
Utility facility					C	C	C	X
Veterinarian service/large animal					C	C	C	X
Warehousing					C	C	C	X
Wholesale establishment					C	C	C	X
Wholesaling or warehousing of farm products					C	C	C	X
Wood or lumber processing								X
Wrecker service/impound lot					C	C	C	X

(Ord. No. 2011-301, Sec. 1/Ord. No. 327.)

14.04.13 Site plan/conditional use application checklist – Appendix B At a minimum, site plans and/or conditional use permit applications shall be provided on a suitable medium. Site plans shall be in the following format, and provide the following information; provided the *Greenland Design Standards Pattern Book* should be consulted.

- \_\_\_ 1. Name of the development or subdivision;
- \_\_\_ 2. Address and lot number of the property;
- \_\_\_ 3. Location map drawn to a minimum scale of one (1) inch equals one thousand (1,000) feet and include city limits and streets within one-half (½) mile radius of the site;
- \_\_\_ 4. Name, address and telephone numbers of all owners and the applicant;
- \_\_\_ 5. North arrow;
- \_\_\_ 6. Drawn to a minimum scale of one (1) inch equals fifty (50) feet and a graphic scale included;
- \_\_\_ 7. City, county and state;
- \_\_\_ 8. Date;
- \_\_\_ 9. Existing zoning;
- \_\_\_ 10. Name, address and telephone number of all professional consultants;
- \_\_\_ 11. Seal of the appropriate professional registered in the state of Arkansas;
- \_\_\_ 12. Acreage and square footage of the site;
- \_\_\_ 13. Minimum required street, side and rear setbacks, per city code and by private requirements, if any exist, if more restrictive than the city code requirements;
- \_\_\_ 14. Floodway and floodplain boundaries with elevations referenced to, and showing the exact location of, the nearest benchmark;
- \_\_\_ 15. Existing and proposed land contours showing vertical intervals no greater than two (2) feet.
- \_\_\_ 16. Adjoining property owners, including names, addresses, and parcel numbers;
- \_\_\_ 17. Dimensions of site boundaries measured to the nearest 1/10 foot;
- \_\_\_ 18. Value of all true bearings and angles as dimensioned in degrees and minutes;
- \_\_\_ 19. Location, square footage and exterior dimensions, measured from outside walls of all existing and proposed buildings and structures;
- \_\_\_ 20. All proposed improvements in their exact relationship to existing contours and other topographic features;

- \_\_\_21. Easements indicating location, dimension and type;
- \_\_\_22. Existing and proposed location, size and type of water lines, fire hydrants, sanitary sewers, storm sewers, culverts, street improvements and any other utilities and services affected by the site, including dumpster location and type of screening;
- \_\_\_23. Drainage plan (if required by the city engineer) indicating all existing and proposed drainage locations, size and type; drainage calculations (that meet the city's requirements) must be certified by a registered professional engineer licensed in the state of Arkansas. Stormwater management and grading plans may also be required by the city engineer;
- \_\_\_24. parking and traffic control plan indicating the location, dimension and type of vehicle access, handicapped person vehicular and pedestrian access, parking spaces, loading provisions and traffic control devices;
- \_\_\_25. Sign location and type;
- \_\_\_26. Screening and buffering;
- \_\_\_27. Landscaping plan indicating location, size and type of existing and proposed materials;
- \_\_\_28. Restrictive covenants, grants of easements or other restrictions in a recordable form;
- \_\_\_29. Common open space plan, and proposed amenities;
- \_\_\_30. Lighting plan indicating location, type, direction and intensity measured in foot candles; and
- \_\_\_31. Location and characteristics of all historical structures and sites.

## **CHAPTER 14.08**

### **FLOOD DAMAGE PREVENTION CODE**

**Sections:**

- 14.40.01 Flood Damage Prevention Code adopted
- 14.40.02 Definitions
- 14.40.03 General provisions
- 14.40.04 Administration
- 14.40.05 Provisions for flood hazard reduction
- 14.40.06 Penalties

14.40.01 Flood Damage Prevention Code adopted The city has published notice as required by law to adopt the Flood Damage Prevention Code as a technical code by reference. The city has had and shall continue to have three (3) copies of the Flood Damage Prevention Code on file in the office of the City Clerk for inspection and copying by the public. Therefore, the Flood Damage Prevention Code for the city of Greenland, Arkansas, dated May 1, 2008, is adopted by reference. The code shall include:

Article 1      Definitions  
Article 2      Administration  
Article 3      Provisions for flood hazard reduction  
(Ord. No. 268, Sec. 1)

**CHAPTER 14.12**

**WIRELESS COMMUNICATIONS FACILITIES**

Sections:

14.12.01      All facilities  
14.12.02      New towers  
14.12.03      Co-location  
14.12.04      Other requirements  
14.12.05      Exemptions  
14.12.06      Municipal profits from towers  
14.12.07      Abandoned antennas or towers  
14.12.08      Notification of change of ownership/operator  
14.12.09      Public notification

14.12.01 All facilities The following general requirements shall apply to all new wireless communications facilities.

- A. Noise requirements Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.
  
- B. Compliance with federal regulations Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of a City Official.
  
- C. Lighting and signage
  - 1. Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the



wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

2. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags or banners shall be allowed on towers. (Ord. No. 186, Sec. 5.)

14.12.02 New towers New wireless communication towers shall meet the following requirements:

- A. Type of towers allowed New towers shall be limited to monopole type structures or alternative tower structures.
- B. Tower and antenna height limitations Towers or alternative tower structures are permitted to a maximum height of one hundred and ninety-five (195) feet.
- C. Fall zone the minimum distance from the base of any tower to any residential dwelling unit or street shall be one and one-half times the height of the tower, unless all persons owning said residences or the land on which said residences are located consent in a signed writing to the construction of said tower. This setback is considered a “fall zone.” In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.
- D. Camouflaging or stealth technology for new towers If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.
- E. Color of towers To the extent that any antenna extends above the height of the vegetation immediately surrounding it, it shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.
- F. Information required to process new tower requests
  1. Provide a map of the geographic area that your project will serve.
  2. Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider, or known to such provider, who is making the application.

3. Provide a map that shows other potential stand-alone locations for your facility that have been explored.
  4. Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land, use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility.
  5. Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks and proximity to single family residences.
  6. Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:
    - a. A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;
    - b. Contact with all the other wireless communications licensed carriers operating in the city and Washington County; and,
    - c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
    - d. Letter from tower owner stating why co-location is not feasible.
  7. Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.
- G. Required (after condition) and balloon test or crane test photographs The proposed tower site shall be photographed from four (4) locations taken 90<sup>0</sup> apart

and three hundred (300) feet from the proposed center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The time period, not to exceed one (1) week, within which the test shall be performed, shall be advertised in a newspaper of general circulation in the city at least fourteen (14) days, but not more than twenty-one (21) days prior to the test. The four (4) locations shall be approved by the city official.

- H. Sight line representation A sight line representation shall be drawn from four (4) points 90<sup>0</sup> apart and one hundred (100) feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals forty feet (1" = 40'). The profiles shall show all intervening trees and buildings.
- I. Structural integrity and inspection of towers
1. The applicant shall provide a certification letter that states that the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.
  2. If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the city may terminate that owner's conditional use permit and/or cause the removal of such tower (at the owners' expense).
  3. By making an application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the city. The applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.
- J. Security fencing and anti-climbing device Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six (6) feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing,"

“High Voltage” or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

- K. Vegetative screening requirements Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round buffer. Trees and vegetation may be existing on the subject property or installed as a part of the proposed facility or a combination of both.
- L. Setbacks from property lines Wireless communications facilities shall meet current setbacks as required by zoning. (Ord. No. 186, Sec. 5.)

14.12.03 Co-location Applicants for co-locations shall meet the following requirements:

- A. Administrative approval for antenna co-locations and locations on other structures The City Planner, following an administrative review without requiring the issuance of a conditional use permit, may approve the following antenna installation:
  - 1. Locating on existing structures Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, electric transmission tower and similarly scaled public utilities/facilities, water tower, or other free-standing non-residential structure) provided that the addition of the antenna does not add more than twenty feet (20') of height to the original height of the tower. The addition or modification, to the extent possible, should be designed to minimize visibility.
  - 2. Locating on existing towers Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty feet (20') of height to the original height of the tower. The addition or modification, to the extent possible, should be designed to minimize visibility.
  - 3. For the purposes of co-location, the applicant must submit information from a licensed professional engineer certifying the capacity of the tower for additional providers and a letter of intent from the applicant indicating their intent to share space. (Ord. No. 186, Sec. 5.)

14.12.04 Other requirements

- A. Wireless Communication Facilities placed on top of buildings When a wireless communications facility extends above the roof height of a buildings on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the buildings' silhouette.
- B. Wireless Communications Facilities placed on sides of buildings Antenna which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.  
(Ord. No. 186, Sec. 5.)

14.12.05 Exemptions

- A. Personal use Towers for personal use which, including the height of all antenna arrays, do not extend more than eighty feet (80;) from the ground and shall meet the current setbacks as required by zoning.
- B. Temporary structures Temporary structures designed to be used fro not more than fourteen (14) days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.'s" or "Cellular on Wheels."
- C. Existing towers All existing towers may be replaced with the same type and height of tower structure as currently exists.
- D. Emergency and utility towers and antennas Towers and antennas under thirty-five feet (35;) in height used for 911 services and utility monitoring (gas, water, sewer, traffic lights, etc.) (Ord. No. 186, Sec. 5.)

14.12.06 Municipal profits from towers The city of Greenland should actively market its own property and existing structures as suitable co-locations sites. As noted above, the review process is shortened and simplified when co-location on city property is submitted by an applicant. An annual lease amount should be charged according to the fair-market value of the location. The revenues can be earmarked to improve the public area within which the tower is located. In cases where the company no longer needs the tower, the city may require it to be removed. Applicants can provide co-location space for city-owned antenna. (Ord. No. 186, Sec. 5.)

14.12.07 Abandoned antennas or towers At such time that a licensed carrier abandons or discontinues operation of a wireless communications facility, such carrier will notify the city of

the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physical remove" shall include, but not be limited to:

- A. Removal of antenna, mount, equipment shelters and security barriers from the subject property.
- B. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- C. Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition. (Ord. No. 186, Sec. 5.)

14.12.08 Notification of change of ownership/operator Upon assignment or transfer of a conditional use permit or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the City Planner. (Ord. No. 186, Sec. 6.)

14.12.09 Public notification Applicants requesting permits for new towers shall notify property owners within a five hundred (500) feet radius from the center of the tower; applicants requesting permits for co-location shall not require notification. Notification shall be certified mail for adjoining property owners, including across streets and regular mail for the remaining property owners within the notification area. (Ord. No. 186, Sec. 7.)

## **CHAPTER 14.16**

### **ANNEXING, VACATING AND RE-ZONING**

Sections:

- 14.16.01 Annexing
- 14.16.02 Vacating
- 14.16.03 Re-zoning

14.16.01 Annexing

Ord. No. 224	SE ¼ of Sec. 31, Twp 16 N, Range 30 West
Ord. No. 233	Part of SW ¼ of Sec. 8, Twp 15 N, Range 30 West
Ord. No. 234	Part of SE ¼ of Sec. 8, Twp 15 N, Range 30 West
Ord. No. 243	Twin Creeks Addition
Ord. No. 255	2 parcels of property in Exhibit A in Washington County
Ord. No. 262	Part of N ½ of Sec. 9, Twp 15 N, Range 30 West
Ord. No. 271	NW corner of SE ¼ of Sec. 8, Twp 15 N, Range 30 West

14.16.02 Vacating14.16.03 Re-zoning

Ord. No. 219	From C to R-2	Lots 1, 2 & 3 in Parker's Plat of Greenland Acres
Ord. No. 220	From R-1 to R-2	Part of Lots 1 & 2 between Parker St. and Lot 3
Ord. No. 225	From A-1 to C	Part of NW ¼ of Sec. 8, Twp 15 N, Range 30 West
Ord. No. 230	From C to I	Part of NW ¼ of Sec. 9, Twp 15 N, Range 30 West
Ord. No. 231	From R to C	Part of E ½ of Sec. 6, Twp 15 N, Range 30 West
Ord. No. 235	From R to C	Part of NW ¼ of Sec. 8, Twp 15 N, Range 30 West
Ord. No. 240	From I to C	Lots 3, 4 & 5, Parkers Plat of Greenland Acres
Ord. No. 241	From I to R-2	Part of Lots 3, 4 & 5, Parkers Plat
Ord. No. 257	From R-1 to C	Part of SE ¼ of Sec. 6, Twp 15 N, Range 30 West
Ord. No. 263	From R-1 to C-1	Part of SE ¼ of Sec. 6, Twp 15 N, Range 30 West