

City of Greenland, Arkansas

AN ORDINANCE RELATING TO THE ZONING REGULATIONS FOR THE CITY OF GREENLAND, ARKANSAS: GENERAL PROVISIONS. PROVISIONS GOVERNING ZONING DISTRICTS EXCEPTIONS AND MODIFICATIONS, ENFORCEMENT BOARD OF ADJUSTMENT, AMENDMENTS AND LEGAL STATUS PROVISIONS.

WHEREAS, Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers municipalities to enact zoning ordinances and to provide for its administration, enforcement and amendment, and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City, to enact a zoning ordinance, and

WHEREAS, the City Council pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a Planning Commission, which Planning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with the general plan for land use, and

WHEREAS, the zoning ordinance and map are designed: to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements; to stabilize property values; and to insure the orderly development of the community for the general welfare of the citizens, and

WHEREAS, said zoning ordinance provides for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of the land in the municipality;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS, AS FOLLOWS:

Section 1. Zoning Map:

a. The City is hereby divided into districts as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

b. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in section One of Ordinance Numbered _____ of the City of Greenland, Washington County, Arkansas," together with the date of the adoption of this ordinance.

c. If in accordance with the provisions of this Ordinance, changes are made in the district boundaries, such changes shall be entered on the zoning map with the date and ordinance number affecting such change.

d. The official zoning map shall be located in the office of the City Clerk and shall be prima facie evidence as to the current zoning status of land, buildings and other structures in the City. The City Clerk shall cause to have corrected the zoning district boundaries on the official zoning map as need demands.

Section 2.

1. Zoning Districts:

a. The following districts are hereby established:

- R-1: Low Density Residential
- R-2: Medium Density Residential
- C: General Commercial
- I: Industrial
- A: Agricultural

2. Application of Zoning District Regulations:

a. The area requirements pertaining to each zoning district shall be applied uniformly within the zoning district except as may be varied by the Planning Commission.

b. The uses permitted or prohibited in each zoning district establishes the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted or prohibited within a respective zoning district.

c. The use proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission shall determine whether said use is compatible (ie., in character with other uses in the district); and, if it decides in favor of said use, it shall authorize said use to be established. The Planning Commission shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc. The Planning Commission may impose conditions under which a use may be permitted in order to insure compatibility. The finding of the use to be compatible in one location does not imply that the same use is compatible at another location, even within the same zoning district.

d. All front, side and rear yard set backs established by this ordinance shall be measured from the planned right-of-way as shown in the Major Street Plan.

Section 3. Zoning Districts - Character, Permitted Uses and Area Requirements:

1. R-1 Low Density Residential. The low density residential district is intended to provide for the development of medium and large lot family residences. It is further intended that this residential area be protected from encroachment by incompatible uses.

a. Permitted Uses: Single-family dwellings, churches, schools, other public buildings, and open spaces and accessory structures or uses to principal uses.

b. Conditional Uses: Mobile homes subject to the provision of Section 4-5 of this ordinance.

c. Minimum Area Requirements**:

PERMITTED USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D.U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	LOT FRONTAGE	MAX. HEIGHT
1 family dwelling	9,000	9,000	25	20'	10'	25'	70'	30'
Mobile home	9,000	9,000	25'	20'	10'	25'	70'	30'
Church	1 acre		35'	25	20'	25'	150'	36'
Public facility			25'	20'	10'	25'		

** The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank inspection.

d. Off-Street Parking: See Section 4-6.

2. R-2 Medium Density Residential. The medium density residential district is intended to provide for the development of two-family residences as well as single-family residences of smaller area. It is further intended that this residential area be protected from encroachment by incompatible uses.

a. Permitted Uses: Single-family dwellings, duplexes, churches, schools, other public buildings, open spaces, and accessory structures or uses to principal uses.

b. Conditional Uses: Mobile homes and mobile home parks subject to the provision of Section 4-5 of this ordinance.

c. Minimum Area Requirements**:

PERMITTED USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D.U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	LOT FRONTAGE	MAX. HEIGHT
1 family dwelling	8,000	8,000	25'	20'	7'	25'	80'	30'
2 family dwelling	12,000	6,000	25'	20'	7'	25'	100'	30'
Mobile home	8,000	8,000	25'	20'	7'	25'	80'	30'
Multi-family	15,000		35'	20'	10'	25'	120'	36'
Mobile home park	1 acre	4,000	25'	20'	7'	25'	150'	
Church	1 acre		35'	25'	20'	25'	120'	36'
Public facility			25'	20'	10'	25'		

**The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

d. Off-Street Parking: See Section 4-6.

3. C - General Commercial. The general commercial district is intended to provide an area for the development of all types of commercial activity and to provide a wide range of retail and personal service uses.

a. Permitted Uses: Retail stores, service establishments, offices, automobile sales, motels, car washes, restaurants, service stations, farm implement sales and storage and similar uses.

b. Conditional Uses: None.

c. Minimum Area Requirements:

PERMITTED USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D.U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	LOT FRONTAGE	MAX. HEIGHT
All commercial uses			50'	10'		10'		30'
Church	1 acre		35'	20'		35'		36'
Public facility			60'	20'		60'		

d. Off-Street Parking and Loading: See Section 4-6.

4. I - Industrial. The industrial district is intended to provide an area for industrial activity of any type provided that such activity does not produce excessive water, air or noise pollution.

a. Permitted Uses: Any type of manufacturing, processing, or warehousing activity which complies with the intent of this district as stated above. The decision of the Planning Commission as to whether any proposed use complies with said intent shall be final. Also public facilities.

b. Conditional Uses: None.

Minimum Area Requirements:

PERMITTED USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D.U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	LOT FRONTAGE	MAX. HEIGHT
Industrial	1 acre		50'	50'	50'	50'	150'	30'
Public facilities			50'	25'	10'	50'		

d. Off-Street Parking and Loading: See Section 4-6.

e. Approval of Industrial Uses: All applications for industrial use in the Industrial District shall be referred to the Planning Commission for its approval. The Planning Commission in approving an application for industrial use may require such safeguards to insure that the health, safety and general welfare of the community is protected.

5. A - Agricultural. The agricultural district intended to provide land for general agricultural activities which does not interfere with the enjoyment of neighboring uses. It is further intended that the land designed as agricultural remain agricultural until such time as growth warrants a different use.

a. Permitted Uses: Any crop growing activity including forestry; open space; single-family dwellings; churches and public facilities.

b. Conditional Uses: Livestock and poultry raising, provided that the Planning Commission may prescribe the maximum number of livestock or poultry permitted within a given area; mobile homes, not to exceed the ration of one mobile home for each five acres of land.

c. Minimum Area Requirements:

PERMITTED USES	MINIMUM LAND AREA SQ. FT.	MINIMUM LAND AREA SQ. FT. PER D.U.	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET	LOT FRONTAGE	MAX. HEIGHT
Agricultural (crop)								
Agricultural (livestock & poultry)	5 acres		50'	50'	50'	50'	100'	30'
1 family dwelling	5 acres	5 acres	35'	25'	20'	35'	150'	36'
Mobile home	5 acres	5 acres	35'	25'	20'	35'	150'	
Church	2 acres		40'	40'	20'	40'	200'	36'
Public facility			35'	20'	20'			

d. Off-Street Parking: See Section 4-6

Section 4. General Regulations:

1. Annexed Area:

a. All territory which may hereafter be included within the zoning jurisdiction of Greenland shall be annexed to the City of Greenland as a residential area and shall be subject to the requirements of the Residential District unless the annexing ordinance accepts such annexed area in a district other than Residential, and such annexed area shall continue in such district until such time as this ordinance and the zoning map shall have been amended to zone such territory otherwise.

2. Occupation Permitted in Residential Structures Utilized for Residential Purposes in the Residential District:

a. An occupation may be carried on in a residential structure in the R-1, R-2 Residential Districts when it:

- 1. Does not require the use of more than two rooms otherwise normally considered as living space.
- 2. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with the residential uses.
- 3. Does not have a sign in excess of four square feet in area to denote the business, occupation, or profession, and such sign must be attached to the structure.
- 4. Does not involve the display of goods and services.

3. Lot Area:

a. Only on a lot of records in the R-1, R-2 Residential Districts may a single-family structure be erected even though the lot be of less area or width than required by these regulations, provided all other requirements are met.

4. Non-Conforming:

- a. Non-conforming use of land and structures may be continued and improved but not expanded so long as it remains otherwise lawful.
- b. Once a non-conforming use is changed to a permitted use in the district, the non-conforming use shall not be re-established.
- c. A non-conforming use can be changed to another non-conforming use, only if the use to which it is being changed has been determined by the Planning Commission to be a more appropriate use than the existing non-conforming use.
- d. Any use of a structure not permitted, or any structure not intended for uses permitted may not be rebuilt or re-established if damaged in excess of two-thirds of its fair sale value immediately prior to damage.

5. Mobile Homes and Mobile Home Parks:

a. Purpose and Intent: The Commission recognizes the unusual nature involved in considering mobile homes to be placed in the City of Greenland. The Commission also recognizes the fact that mobile homes are not all of the same construction standards and can have a substantial effect on adjacent property values. For these reasons, the Commission feels that those being attended by mobile home placement should have a chance to have their opinions considered and therefore the following procedures provided.

b. Mobile Homes: Individual mobile homes may be allowed in any residential district at the discretion of the Planning Commission. Such mobile homes must meet the minimum area and set back requirements of the district in which they are located. Any mobile home to be placed in Greenland shall be subject to the review and approval of the Planning Commission. The placement of one (1) or two (2) mobile homes on any lot shall be permanently attached to a foundation. A permanently attached mobile home is one which is permanently connected to concrete piers or other equal foundation. Permanent curtain walls on a concrete foundation shall be placed around the outer edge of the home. Skirting will not be allowed. All units will be permanently attached to utilities.

c. Mobile Home Parks: Mobile home parks are allowed only in the R-2 medium density residential district at the discretion of the Planning Commission. The placement of more than two (2) mobile homes on any lot or the placement of a mobile home for temporary residence while construction is taking place may be allowed on a temporary foundation.

d. Procedure: Any one desiring to place a mobile home in Greenland shall file with the Planning Commission an application requesting the Commission's review and approval. The applicant shall provide the Commission with the following information at the time of filing the application:

1. Legal description, ownership and general location of property;

2. Sketch showing lot dimensions, number of mobile homes to be placed, their arrangement on the lot, set backs from exterior property lines and between individual units, type and location of proposed utilities, location of existing improvements above and below the ground, proposed access, street right-of-way and any additional information the Commission might request concerning the property; and

3. A list with addresses of abutting property owners whether or not a street separate the property.

e. The Commission shall notify the abutting property owners by mail of the request and at the next regular meeting unless the matter is continued for some reason, shall approve with or without conditions or deny with reason the request.

f. The same procedure as used in zoning matters, shall be used for considering the request.

g. Any decision of the Planning Commission may be appealed to the City Council

h. A request once denied shall not be reconsidered for a period of twelve (12) months from the date of denial unless the Commission finds a substantial reason exists for waiving this limitation.