

CITY OF LAKEVIEW

BAXTER COUNTY

ZONING REGULATIONS

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TABLE OF CONTENTS

Chapter/Section	Page
Table of Contents	i
Zoning Map	iii
 Chapter I – General	
Section 1 – Authority	1
Section 2 – Purpose	1
Section 3 – Definitions	1
 Chapter II – Zoning Districts	
Section 1 – Residential	7
Section 2 – Commercial	10
Section 3 – Public & Semipublic	13
Section 4 – Agricultural	13
Section 5 – Conditional (Special) Uses	14
Section 6 – Approved Special Uses	15
 Chapter III – Other Restrictions	
Section 1 – Annexed Area	20
Section 2 – Completion of Existing Buildings	20
Section 3 – Home Occupations	20
Section 4 – Existing Lots and Lot Area	21
Section 5 – Non-Conforming Buildings and Uses	21
Section 6 – Water and Sewer Lines	21
Section 7 – Fences and Plantings	22
Section 8 – Poultry and Livestock	22
Section 9 – Recreational Vehicles	23
Section 10 – Recreational use of Outbuildings and Temporary Structures	23
Section 11 – Parking of Commercial Vehicles in Residential Area	23

Chapter IV – Board of Zoning Adjustment	
Section 1 – Organization	24
Section 2 – Meetings	24
Section 3 – Appeals from Decisions of Building Official	24
Section 4 – Powers	24
Section 5 – Variance and Special Use Permits	25
Section 6 – Other Functions of Board	25
Section 7 – Appeals from Decision of the Board	25
Section 8 – Notice of Public Hearing	26
 Chapter V – Amendments/Ordinances	
Section 1 – Amendments by Public Body	27
Section 2 – Amendments by Individual Property Owners	27
 Chapter VI – Building Permits/Fees	
Section 1 – Responsibility	30
Section 2 – Building Permits	30
Section 3 – Fees	30
Section 4 – Violations	30
Section 5 – Penalty for Violations	31

CHAPTER 1 - GENERAL

Section 1 – Authority

Arkansas Statutes A.C.A. 14-56-301 empowers the City of Lakeview to enact zoning regulations and to provide for their administration, enforcement and amendment. The Lakeview City Council, pursuant to A.C.A. 14-56-404, has established a Planning and Zoning Commission, which has recommended dividing the city into districts and has prepared for consideration regulations pertaining to these districts in accordance with the Comprehensive Development Plan. These regulations apply to all land and structures and are in effect throughout the entire corporate limits of the City of Lakeview.

Section 2 – Purpose

- A. The Lakeview City Council deems it necessary, for the purpose of promoting the health, safety, morals, order and general welfare of the City, to enact these zoning regulations,
- B. These zoning regulations are designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate green space; to prevent the overcrowding of land; to avoid undue congestion of population and to facilitate the adequate provision of transportation, water, sewerage, parks and other public requirements; to stabilize property values and to insure orderly development of the community for the general welfare of the citizens.
- C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Lakeview.

Section 3 – Definitions

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

The word shall is mandatory, the word may is permissive.

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

The word lot includes the words plot and parcel.

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

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

Accessory Structure. A subordinate structure located on the lot with the principle structure. Whenever the accessory structure is attached to the principle structure, in a substantial manner, as by a roof, such accessory shall be considered a part of the principle structure. An example of an accessory structure for a non-residential structure would be an educational building of a church, with the sanctuary being the principle structure.

Accessory Use. A use that is customarily incidental to the principle use. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed an accessory use.

Alley. A narrow public way not in excess of 20 feet which affords a secondary means of access to abutting properties and not intended for general traffic circulation.

Area. This term refers to the amount of land surface on a lot or parcel.

Area Requirements. The yard, lot area, width of lot and parking requirements as set forth in a specific district.

Building Official. A person appointed by the Lakeview City Council to administer and enforce these regulations.

Commercial Vehicle. A vehicle as defined in Arkansas Statutes A.C.A. 27-23-103 which is made part of these regulations by reference.

Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be deemed to include motels, rooming houses or manufactured homes.

Dwelling, Single Family. A detached structure designed for or occupied by one family only.

Dwelling, Two-Family. A detached structure designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multi-Family. A structure designed for and/or occupied by three or more families, with separate housekeeping and cooking facilities for each.

Existing. The established fact of the use of land or structure at time of effective date of these regulations.

Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit.

Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading space,

Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising in area and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following:

- Art Studio.
- Dressmaking.
- Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent or other similar occupation.
- Teaching, with musical instruction limited to one or two pupils at a time

Under no circumstances shall a restaurant, including catering services, be interpreted as a home occupation.

Lot. A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to same.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured Home. A home constructed "off-site", transported to the site on its own wheels and axles, which are then removed. When the unit arrives at the site it is designed to be occupied as a complete dwelling unit, including major appliances and furniture, ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or other temporary or permanent foundation, connections to utilities, and the like. Manufactured Homes must have been manufactured after 1976. A Manufactured Home is further identified as meeting the HUD Code and is marked by a red sticker or emblem on the back of the structure and is so certified on plan specifications.

Mobile Home Park (Commercial). A commercial operation where space for mobile homes is provided by the day, week, or longer periods of time. These are limited to R-2 zones. Mobile homes are units manufactured prior to 1976 and are no longer allowed.

Modular Home. A residential dwelling constructed in a factory and transported to the site in whole or in segments and which meet the International Building Code and the National Modular Building Council and is so stated on the plan specifications. It is required that Modular housing be placed on permanent foundations with sanitary and water connections, and meet all other zoning and setback requirements.

Non-conforming. A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.

Open Space. An unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures what so ever.

Parking Space. An on-lot space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of space necessary to provide access to a street or alley.

Principle Use. The chief or main recognized use of a structure, of a lot or of land.

Property Line. The line bounding a lot as described herein.

Recreational Vehicles. Any vehicle defined as: Class A, B and C Motor Home; Travel Trailer and/or 5th Wheel Trailers; All Terrain Vehicle (ATV); Utility Terrain Vehicle (UTV); Two (2) and/or Three (3) Wheel Off-road Motorcycles; Water Craft (motor or wind powered) on Trailers. (Ordinance 16-02)

Street. A public way which affords the principle means of access to abutting properties.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, fences, billboards and poster panels, but do not include walks, parking areas and drives.

Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principle structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.

Yard. A horizontal distance from the lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.

Under Construction. A building may be constructed without being bound by the requirements of these regulations if the foundation was completed before the adoption or amendment of these regulations, and if the construction is completed within one (1) year after the adoption or amendment.

CHAPTER II – ZONING DISTRICTS

The City of Lakeview is divided into the following zoning districts as indicated on the zoning map, which is part of these regulations,

Residential Use Districts

Residential use districts are intended primarily for residences, with permitted related uses such as churches, schools and recreational facilities. The permitted use and the area requirements establish the character of the district.

- R-1 Residential
- R-2 Residential

Commercial Use Districts

Commercial use districts are intended for the conduct of business and provision of services that do not constitute a nuisance or a danger to the community.

- C-1 Downtown Commercial District
- C-2 Retail Service Commercial District
- C-3 Reserve Commercial District

The boundaries of these districts are shown on the Zoning Map which accompanies and is made part of these regulations. The original of this map is properly attested and on file with the Recorder/Treasurer, and said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Public and Semipublic Districts

Public and semipublic use districts are intended to promote green space and activities for the enjoyment of residents.

- P-1 Parks

Agricultural Districts

Agricultural districts are intended to provide for general farming and related use in areas not yet committed to urban development. (Ordinance 20-01)

- A-1 Agricultural

Section 1 – Residential

A. R-1 Residential

This district is intended primarily for residential neighborhoods characterized by residential dwellings in a suitable lot area.

1. Permitted Uses

- a. Residential structures containing a single-family unit
- b. Accessory structures or uses incidental to the permitted principle use.
- c. Home occupations, as defined.
- d. Modular homes as defined.

2. Conditional Uses

- a. Public schools, parks, churches and religious education buildings
- b. Municipal recreational uses and public utilities and structures.

3. Area Requirements, Residential R-1

- a. Minimum lot area: 12,500 square feet.
- b. Recommended minimum dwelling area: 1,100 square feet. (Ordinance 20-01)
- c. Minimum lot width: 100 feet (at front yard building line).
- d. Front yard: Minimum of 25 feet.
On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension.
- e. Side yard (each): Minimum of 10% of the lot width but not less than 10 feet.
- f. Side yard street: Minimum 25 feet from side yard street lot line.
- g. Rear yard: Minimum 20 feet from rear lot line or center of alley if one exists, for habitable buildings, 1 foot for out buildings.
- h. On lot parking – Parking space shall be provided on the lot to accommodate two (2) motor vehicles.

4. Area Requirements, Place of Public Assembly

- a. Height: Maximum height shall be two and one-half (2-1/2) stories (because of fire equipment limitations) and not to exceed 35 feet for that portion of the structure used for assembly or offices.
- b. Yard requirements: Minimum of 25 feet from all property lines
- c. On-lot parking: One parking space shall be provided to accommodate one motor vehicle for each four (4) persons accommodated in the assembly hall.

B. R-2 Residential

This district is intended for residential neighborhoods characterized by residential dwelling in a suitable lot area.

1. Permitted Uses

- a. Residential structures for single-family, two-family and multi-family occupancy
- b. Accessory structures or uses incidental to the permitted principle use.
- c. Manufactured homes as defined.
- d. Home occupations, as defined.
- e. Modular homes, as defined.

2. Conditional Uses

- a. Public schools, parks, churches and religious education buildings.
- b. Municipal recreational uses and public utilities and structures.

3. Area Requirements

- a. Minimum lot area
 - (1). Single-family dwelling: 12,500 square feet
 - (2). Two-family dwelling: 14,000 square feet
 - (3). Multi-Family dwelling: For each family unit of three or more, an additional 2,500 square feet for each family unit.
- b. Recommended minimum dwelling area: (Ordinance 20-01)
 - (1). Single-family: 1,100 square feet
 - (2). Two-family: 1,600 square feet
 - (3). Multi-family: For each family unit over two, an additional 700 square feet for each family unit.

- c. Minimum lot width:
 - (1). Single-family: 100 feet
 - (2). For each additional dwelling unit, an additional 15 feet shall be added to the minimum width requirement.
- d. Front yard: Minimum of 25 feet from the lot line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has the least dimension.
- e. Side yard street:
 - (1). A minimum of 10% of the lot width, but not less than 10 feet.
 - (2). A side yard adjacent to a street shall be a minimum of 25 feet.
- f. Rear yard: Minimum of 20 feet from the rear lot line or center of the alley if one exists, 10 feet for out buildings
- g. On-lot parking
 - (1). Single family dwellings: Off street parking space shall be provided on the lot to accommodate two (2) motor vehicles.
 - (2). Two-family dwellings: Off-street parking shall be provided on the lot to accommodate four (4) motor vehicles.
 - (3). Multi-family dwellings: Off-street parking shall be provided on the lot to accommodate four (4) motor vehicles for the first two family units plus one (1) on-lot parking space for each additional family unit.

4. Area Requirements, Places of Public Assembly

- a. Height: Maximum height shall be two and one-half (2-1/2) stories and shall not exceed 35 feet for that portion or the structure used for assembly or offices.
- b. Yard requirements
 - (1). Minimum of 25 feet from all property lines.
 - (2). Structure not to exceed 40% of the lot area.
- c. On-lot parking: One on-lot parking space shall be provided to accommodate one (1) motor vehicle for each four (4) persons accommodated in the assembly hall.

SECTION 2 – Commercial

A. C-1 Downtown Commercial District

The City of Lakeview is situated in a high recreation area and requires services to satisfy the needs of travelers as well as local area residents. The Downtown Commercial District represents the main downtown business district and businesses established shall be retail or service oriented dealing directly with consumers.

1. Permitted Uses

a. Refer to chart at the end of this chapter for a list of permitted uses within C-1 zoning.

b. Other uses similar to referenced permitted use list, subject to the approval of the Planning & Zoning Commission if the use is not already listed as a conditional use or not allowed.

2. Conditional (Special) Uses

a. Refer to chart at the end of this chapter for a list of conditional uses within C-1 zoning.

b. Other uses similar to the previously referenced conditional uses, subject to the approval of the Planning & Zoning Commission

3. Height – The maximum height of a structure shall be two (2) stories and shall not exceed forty (40) feet.

4. Yard Requirements

a. Front Yard – minimum of thirty (30) feet from Arkansas State Highway 178 right-of-way.

b. Side Yard – when the commercial use abuts another building, a ten (10) foot side yard is required. A side yard adjacent to a street shall be a minimum of twenty-five (25) feet.

c. Rear Yard – a minimum of thirty (30) feet from the property line, or from the center line of the alley, where one exists.

5. Lot Coverage and Width

a. No structure shall cover more than three-fourths (3/4th) of the lot area.

b. Motels must have a minimum width of one-hundred (100) feet.

6. Loading and Unloading – Loading and unloading shall be provided so as not to block public right-of-way.

7. Off-Street Parking – Refer to Section D

B. C-2 Retail Service Commercial District

The retail service district is intended for those businesses which cater to the highway traffic.

1. Permitted Uses

a. Refer to chart at the end of this chapter for a list of permitted uses within C-2 zoning.

b. Other uses similar to referenced permitted use list, subject to the approval of the Planning and Zoning Commission if the use is not already listed as a conditional use or not allowed

2. Conditional (Special) Uses

a. Refer to chart at the end of this chapter for a list of conditional uses within C-2 zoning.

b. Other uses similar to the previously referenced conditional uses, subject to the approval of the Planning & Zoning Commission.

3. Height – The maximum height of a structure shall be two (2) stories and shall not exceed forty (40) feet.

4. Yard requirements

a. Front yard: A minimum of thirty (30) feet from Arkansas State Highway 178 right-of-way.

b. Side Yard: When a commercial use abuts another building, a ten (10) foot side yard is required. A side yard adjacent to a street shall be a minimum of twenty-five (25) feet.

c. Rear Yard: A minimum of thirty (30) feet from the property line, or from center of the alley, where one exists.

5. Lot Coverage – No structure shall cover more than one-half (1/2) of the lot area.

6. Off-Street Loading and Unloading – Loading and unloading facilities shall be provided so as not to block any public right-of-way.

7. Off-Street Parking – Refer to Section D

C. C-3 Reserve Commercial District

The reserve commercial district represents an area that would cater to local residents as well as to highway traffic

1. Permitted Uses

a. Refer to chart at the end of this chapter for a list of permitted uses within C-3 zoning.

b. Other uses similar to referenced permitted use list, subject to the approval of the Planning & Zoning Commission if the use is not already listed as a conditional use or not allowed.

2. Conditional (Special) Uses

a. Refer to chart at the end of this chapter for a list of conditional uses within C-3 zoning,

b. Other uses similar to the previously referenced conditional uses subject to approval of the Planning & Zoning Commission.

3. Height – The maximum height of a structure shall be two (2) stories and shall not exceed forty (40) feet.

4. Yard Requirements

a. Front Yard: A Minimum of thirty (30) feet from Arkansas State Highway 178 right-of-way.

b. Side Yard: When the commercial use abuts another building, a ten (10) foot side yard is required. A side yard adjacent to a street shall be a minimum of twenty-five (25) feet.

c. Rear Yard: A minimum of thirty (30) feet from the property line or from the center of the alley, where one exists.

5. Lot Coverage – No structure shall cover more than thirty percent (30%) of the lot area.

6. Off-Street Loading and Unloading – Loading and unloading shall be provided so as not to block any public right-of-way.

7. Off-Street Parking – Refer to Section D

D. Commercial District Off-Street Parking

- Parking facilities shall be provided for all employees.
- One on-lot parking space shall be provided to accommodate one (1) motor vehicle for each four (4) persons accommodated or shall conform to the occupancy requirement as defined in the National Building Code, Section 1004.1.2 as a reference guide.
- Motels shall provide one (1) on-lot parking space for each sleeping unit.

Section 3 – Public and Semipublic District

P-1 Parks

The use of this district would primarily be to promote green space within the City of Lakeview.

1. Permitted uses. – Parks, arboretums, playgrounds, fishing, wading, swimming beaches, forestry, wildlife preserves, soil and water conservation, water measurement and water control facilities, golf courses,

2. Conditional uses

a. All structures

b. Governmental and cultural uses (such as police and fire stations, municipal buildings, community centers, libraries and public emergency shelters).

c. Colleges, universities, hospitals, museums and public or private schools (provided the site is more than two (2) acres and all principal structures and uses are greater than fifty (50) feet from any lot line.

d. Recreational uses such as archery ranges, driving ranges, marinas, pools, sports fields, zoological or botanical gardens (provided that lot area for all uses are not less than three (3) acres and all structures are not less than fifty (50) feet from any lot line.

Section 4 – Agricultural (Ordinance 20-01)

The agricultural district is included to provide for general farming and related use in those areas of the city that are not yet committed to urban development. It is the intent of this district to protect lands from urban development until such lands can be orderly transitioned into urban-oriented districts as may be required or proposed.

1. Permitted Uses

a. General farming including agricultural, floriculture, forestry, grazing, hay and orchards.

b. Keeping or raising of domestic stock for agribusiness, show, breeding or other purposes incidental to the principal use of the premises subject to the following limitations:

1) No more than one (1) horse, cow, sheep or similar animal over six (6) months of age shall be kept for each two (2) acres; or

2) No more than five (5) chickens, ducks or similar poultry over two (2) months of age shall be kept for each acre and must be contained. Free ranging of poultry of any kind is prohibited.

3) The keeping and raising of hogs or fur-bearing animals is prohibited.

- 4) Combinations of the above shall be apportioned to the total acreage and the building official acting as zoning administrator shall determine the total number of animals allowed.
2. Permitted accessory uses
 - a. One dwelling unit per operating farm.
 - b. Incidental item which may be necessary to the farm operation if approved by the building official.
3. Conditional uses
 - a. Commercial floriculture.
4. Lot area and width
 - a. Lots shall be a minimum of twenty-five (25) acres, under common ownership, and shall be not less than 500 feet in width.
 - b. Lots with existing non-farm dwellings or lots with dwellings remaining after farm consolidation shall provide a minimum lot area of 25,000 square feet and shall not be less than 150 feet in width.
5. Building height and area
 - a. Dwellings with the exception lot area specified above shall conform to R-1 zoning.
 - b. Accessory buildings shall not exceed fifteen (15) feet in height.
6. Setback and yards
 - a. There shall be a minimum setback of fifty (50) feet from all street right-of-ways.
 - b. There shall be a side yard on each side of all buildings of not less than fifty (50) feet.
 - c. There shall be a rear yard of not less than one-hundred (100) feet.
7. Fencing

Fencing will be in accordance with Chapter III, Section 7 of these regulations. Exceptions will be that barbed wire may be allowed at the discretion of the building official providing such usage is not adjacent to a residential district, commercial district or park.

Section 5 – Conditional (Special) Uses

The Planning and Zoning Commission shall have the authority to grant and set conditions for conditional uses within areas specified as requiring a conditional use permit.

The Lakeview City Council or the Board of Zoning Adjustment, by special permit, after a public hearing and after study and report by the Planning and Zoning Commission subject to such reasonable conditions and protective restrictions as are deemed

appropriate and necessary, may authorize conditional (special) uses in any district from which they are otherwise prohibited.

Section 6 – Approved Special Uses

A. Mobile/Manufactured Homes

Mobile/Manufactured Home on Individual Lot - MOBILE homes are units manufactured prior to 1976 and are no longer allowed. MANUFACTURED homes as defined are limited to R-2 zones and must be new, i.e. manufactured homes being moved from another site will not be allowed.

1. Permits – No mobile home shall be parked for habitation purposes within the incorporated area of Lakeview, outside an authorized mobile home court, or mobile home park until a permit has been obtained from the Planning and Zoning Commission and approved by the Lakeview City Council. When public sewer is available, they shall be connected. All mobile homes located within the incorporated area of Lakeview prior to adoption of the revised zoning regulations (October 20, 2005) are exempt from these requirements for such period of time as said mobile homes are not moved from the parking site on which they were situated at the time of acceptance of these zoning regulations.

2. A permit to establish a mobile home for habitation purposes outside an authorized mobile home court or mobile home park may be issued only after an affidavit has been filed with the Planning and Zoning Commission, approved by the Lakeview City Council, and that have complied with the following regulations:

a. That said mobile home shall be parked on a lot not less than one-hundred (100) square feet in width nor less than twelve thousand five hundred (12,500) square feet.

b. That said mobile home shall not be parked within twenty (20) feet of any boundary of said lot.

c. That said mobile home shall have wheels and axles removed, skirting installed, and shall be anchored to the ground.

d. That said mobile home shall be supplied with adequate potable water that meets Arkansas State Department of Health drinking water standards. If public water supply is available within three hundred (300) feet, it shall be provided. Where no public sewer service is available, an adequate sewage disposal system shall be provided meeting the requirements of the Arkansas State Department of Health and the Baxter County Health Department.

B. Mobile Home Courts/Parks

Mobile home courts/parks shall meet the following requirements:

1. A mobile home court/park exists where there are four (4) or more mobile homes, on a non-transient basis, with utilities to each mobile home. A mobile home court/park must consist of not less than eight (8) acres and be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. No mobile home court/park shall be established or continue to operate within the incorporated area of Lakeview, until a permit has been obtained from the Lakeview City Council upon recommendation of the Planning and Zoning Commission. However, mobile home courts/parks in existence at the time of adoption of the revised zoning regulations (October 20, 2005) do not have to comply with rules 1, 2 and 3 until such time when the owner remodels or renovates the mobile home court/park, at which time, the owner will be required to meet all minimum standards as set forth. A permit to establish a mobile home court/park shall be issued only after an affidavit has been filed with the Lakeview Planning and Zoning Commission and approved by the Lakeview City Council, affirming the regulations have been complied with.
 - a. That no mobile home is now or will be permitted to be parked within ten (10) feet of any property line of said mobile home court/park.
 - b. That no mobile home is now or will be permitted to be parked on a lot in said mobile home court/park that is less than forty (40) feet in width and one hundred (100) feet in length of an area four thousand (4,000) square feet. No mobile home shall be placed within twenty-five (25) feet of adjacent mobile homes.
 - c. All mobile home spaces or lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway. All driveways and walkways within the court/park shall be hard surfaced and lighted at night.
 - d. All mobile home spaces or lots in the court/park are to be supplied with adequate potable water that meets the Arkansas State Department of Health drinking standards. If public water is available, within three hundred (300) feet, it shall be provided in the court/park. If Public sewer is available, within three hundred (300), it shall be provided. Where no public sewer service is available, an adequate sewage disposal system shall be provided in the court/park meeting the requirements of the Arkansas State Department of Health and Baxter County Health Department standards.

e. The person making said affidavit will keep grounds of said mobile home court/park clean and free of debris and that said grounds will be mowed at regular intervals as necessary to prevent unsightly appearances.

f. That all new transient trailers or mobile homes are anchored in one of the manners included in the most current publication entitled "Protecting Mobile Homes From High Winds – Defense Civil Preparedness Agency". This publication shall be available at the office of the County Judge or other designated agency or office.

Chart of Permitted and Conditional Uses for Commercial Districts

P = Permitted Use C = Conditional Use Blank = Not Allowed

	C-1	C-2	C-3
<u>Community Service Uses</u>			
Community Center	P	P	P
Library	P	P	P
Religious Assembly (church, etc.)	P	P	P
<u>Commercial & Office Uses</u>			
Artist/Photographic Studio	P	P	P
Bank or Other Financial Institution	C	P	P
Broadcast/Recording Studio & Tower			P
Building Materials		P	P
Garden Supply/Landscaping		C	P
Office, Business, Professional	P	P	P
Office, Public	P	P	P
Retail Establishment	P	P	P
<u>Healthcare Uses</u>			
Health Clinic (incl. dental, chiropractic, etc.)		P	P
Medical Office (incl. dental, chiropractic, etc.)	P	P	P
Medical Laboratories		P	P
Medical Service (retail)	C	P	P
Nursing Home		C	C
<u>Service Uses</u>			
Business Service (stationery, printing, etc.)	P	P	P
Catering Service	C	C	P
Dry Cleaning Establishment	P	P	P
Funeral Home	C	P	P
Laundromat	P	P	P
Personal Service (barber, beauty salon)	P	P	P
Animal Boarding	C	P	P
Animal Grooming/Training	C	P	P
<u>Motor Vehicle Uses</u>			
Body Shop		C	C
Repair Facility	C	P	P
Sales Facility, Automotive (new & used)	C	P	P
Sales Facility, Motorcycle	C	P	P
Outdoor Storage		P	P
Gasoline Station/Convenience Store	P	P	P

Chart of Permitted & Conditional Uses – Page 2

	C-1	C-2	C-3
<u>Accommodations & Food Service Uses</u>			
Assembly Hall	C	P	P
Bed & Breakfast	C	P	P
Hotel/Motel	C	P	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down	P	P	P
Tavern/Pub/Bar	C	C	C
<u>Entertainment & Recreation Uses</u>			
Clubs and Lodges	C	C	C
Entertainment, Adult			
Health Club	C	P	P
Marina/Boat Sales		P	P
Park or Playground	C	C	C
Sports Facility	C	C	C
<u>Storage, Recycling, Wholesale Trade Uses</u>			
Material Reclamation			C
Recycling Collection			
Storage, Hazardous materials			
Storage, Mini-warehouse		C	P
Vehicle Storage, Uncovered		C	C
Vehicle Storage, Covered		C	P
<u>Industrial Uses</u>			
Contractors Shop/Yard		C	C

CHAPTER III – OTHER RESTRICTIONS

Section 1 – Annexed Area

A. Territory annexed to the City of Lakeview after adoption of these regulations shall be given use designations within ninety (90) days after the effective date of annexation in accordance with the amendment procedures of these regulations.

B. Before official use designation is made after annexation, all requests for building permits shall be referred to the Building Official. If proposed use does not conform to established regulations, said permit shall be referred to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

Section 2 – Completion of Existing Buildings

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

Section 3 – Home Occupations

- A. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:
1. It does not involve the use of commercial vehicles operating from the residence .
 2. It does not require the use of more than one (1) room otherwise normally considered as living space.
 3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
 4. There shall be no exterior evidence of home occupation such as a sign, exterior storage of materials or display of items for sale outside the dwelling or visible in show windows.
 5. It does not involve the external display of goods and services.
 6. The occupation must be carried on only by a member of the family residing in the dwelling unit.
 7. The occupation must be of a nature that does not cater to the day to day needs of the general public, i.e. the merchandising of convenience goods, such as groceries, sundries, etc.
 8. No home occupation which will be offensive because of noise levels, air pollution, noxious fumes or odors.

B. Occupations carried on in a residential structure or accessory building in a residential district at the time of the original adoption of the revised regulations (10/20/05) must comply with the regulations established in Section 3 of this chapter within two (2) years of the date of passage of these regulations, or said business, occupation or profession shall be deemed in violation of these regulations.

Section 4 – Existing Lots and Lot Area

On any lot in a residential use district which is on a plat of record at the time of original passage of these regulations (10/20/05) a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other requirements are met.

Section 5 – Non-conforming Buildings and Uses

The lawful use of a building or premises at the time of adoption or amendment of these zoning regulations may be continued although such use does not conform to the provisions of these regulations. Such non-conforming use may not be extended. The total structural repairs or alterations in such a non-conforming building shall not exceed 50 percent (50%) of the assessed value of the building unless permanently changed to a conforming use. If such non-conforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to these regulations. Whether a non-conforming use exists shall be a question of fact and shall be decided by the Planning and Zoning Commission after public notice and in accordance with rules of the Commission.

Section 6 – Water and Sewer Lines

- A. All new structures, whether residential or commercial, shall be connected to the public water system, if a water line exists within three hundred (300) feet of the lot on which the structure is being built.
- B. All residential and commercial structures shall be connected to the sewer system if a sewer line exists within three hundred (300) feet of the lot on which the structure is situated.
- C. Where a sewer system does not exist, an approved septic system shall be established which meets the requirements of the State of Arkansas and Baxter County health and sanitation laws and regulations.
- D. When a public sewer system is later installed, all residential and commercial structures shall be connected in conformance with Item B above within one (1) year after the system becomes available for hook-up.

Section 7 – Fences and Plantings

A. Fences (Ordinance 20-01)

All fencing construction shall require a permit, issued without fee, approved by the building official after an on-site inspection confirming intent before construction. Said fencing shall be completed within six (6) months from date of issue.

Boundary fences shall be within property lines. No fencing shall be allowed beyond the front set back of primary structure. For corner lots, the clear sight triangle shall be observed, reference Chapter attachment.

All boundary line fencing shall be constructed so as to provide for mowing, trimming of lawn and fence maintenance. In the case of sloping ground, fence must be vertically plumb and stair stepped.

All fencing, including but not limited to pet enclosures, patio surrounds (privacy fences) and gardens shall not be over six (6) feet in height and shall have allowances at the bottom to allow for trimming and maintenance.

Swimming pool enclosures, including any pool twenty-four (24) inches in depth, shall be governed by Section 3109 of the International Building Code, latest edition.

Fencing materials shall be approved by the building official at the time the permit is issued. Materials expressly prohibited are, but not limited to, barbed wire, razor wire, chicken wire, metal mesh of any kind except that commonly known as chain-link with a minimum wire size of 11-1/2 gauge.

B. Plantings (Ordinance 20-01)

In the case of corner lots, shrubs, hedges or other plantings shall conform to the clear site triangle, reference Chapter III attachment.

Section 8 – Poultry and Livestock

No poultry or other livestock such as, but not limited to, horses, cattle, hogs (pigs), sheep or goats shall be permitted to be maintained on any premises in the City of Lakeview unless such property has been zoned an agricultural district in accordance with Chapter II, Section 4. (Ordinance 20-01)

Section 9 – Recreational Vehicles

No more than two (2) recreational vehicles as defined shall be stored on any property zoned residential use for a period of fifteen (15) consecutive days unless stored in a completely enclosed building. All Recreational Vehicles shall be stored behind the front elevation of the residence. (Ordinance 16-02)

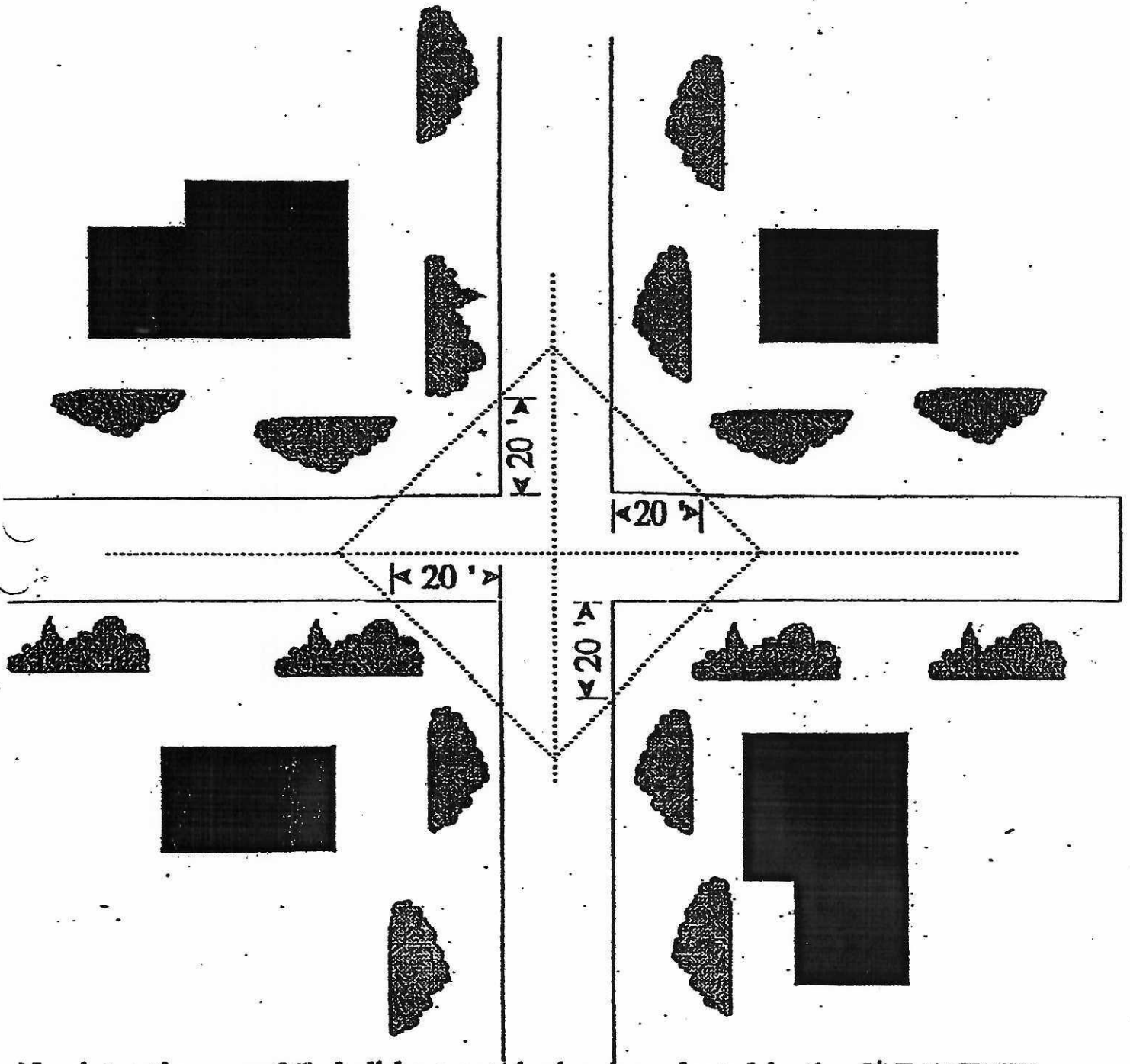
Section 10 – Recreational use of Outbuilding and Temporary Structures

No recreational vehicle (regardless of class), trailer, shack, tent, garage, temporary structure or other building shall be used at any time as a temporary or permitted residence.

Section 11 – Parking of Commercial Vehicles in Residential Area

Any vehicle as defined in Chapter I, Section 3(B) may not be parked in a residential area unless stored in a completely enclosed structure.

CLEAR SIGHT TRIANGLE



No obstruction over 24" shall be erected, placed or planted in the CLEAR SIGHT TRIANGLE, i.e., within 20' (twenty feet) of the corner.

CHAPTER IV – BOARD OF ZONING ADJUSTMENT

Section 1 – Organization

A Board of Zoning Adjustments as provided for under A.C.A. 14-56-416(b)(1) shall consist of the Planning and Zoning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

Section 2 – Meetings

The Board of Zoning Adjustments shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on, published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting. [Ref. A.C.A. 14-56-416(b)(3)(A) & (B)]

Section 3 – Appeals from Decisions of Building Official

An appeal may be taken to the Board of Zoning Adjustment by any person, group or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board, a notice of appeal, specifying the grounds thereof. A fee of \$100.00 shall accompany all notices of appeal.

Section 4 – Powers

The Board of Zoning Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer. [Ref. A.C.A. 14-45-416(b)(2)(A)]
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property. [Ref. A.C.A. 14-56-416 (b)(2)(B)(i)(a)(b)(c)]

- C. To hold public hearings on and decide the following exception to or variations of these regulations
1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of these regulations.
 2. Interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the master plan, as shown upon the Zoning Map where the street layout on the ground varies from the street layout as shown on the map.
 3. Classify commercial or industrial uses which are likely to create hazards and review the locations of proposed industrial uses.

Section 5 – Variance and Special Use Permits

- A. The board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship due to the circumstances unique to the individual property under consideration.
- B. The board may grant variances or special use permits only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations,
- C. The board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with A.C.A. 14-56-416.
- D. The board may impose conditions in the granting of the variance or special use permit to insure compliance and to protect adjacent property.

Section 6 – Other Functions of Board

The board may hear applications and take such action as permitted on matters specifically referred to it under these regulations.

Section 7 – Appeals from Decisions of the Board

Decisions of the board in respect to the above shall be subject to appeal only to a court of record having jurisdiction. [Ref. A.C.A. 14-56-416(b)(2)(B)(ii)]

Section 8 – Notice of Public Hearing

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

CHAPTER V – AMENDMENTS/ORDINANCES

Section 1 – Amendments by Public Body

- A. The Planning and Zoning Commission may suggest that the Lakeview City Council amend the text of these regulations, or the Lakeview City Council itself may desire to initiate an amendment.
- B. Amendments to the text proposed by the Planning and Zoning Commission shall be advertised in a paper of general circulation at least fifteen (15) days in advance of a public hearing to be conducted by the Planning and Zoning Commission. After the public hearing, the Planning and Zoning Commission shall make a report and recommendation to the Lakeview City Council pertaining to the proposed amendments to the text. The action of the Lakeview City Council on the report and recommendation shall be final.

Section 2 – Amendments by Individual Property Owners

- A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning and Zoning Commission by the property owner or his/her designated agent. The petition shall also include a statement and diagram explaining the proposed change.
- B. Upon receipt of the petition, the Planning and Zoning Commission, in accordance with A.C.A. 14-56-422, shall proceed as follows:
 1. The Planning and Zoning Commission shall hold a public hearing on the proposed amendment. Notice of the public hearing shall be published in a paper of general circulation in the city, at least one time, fifteen (15) days prior to the hearing. The petitioner shall take responsibility for publishing of the notice. The notice must include the rezoning being sought, the location (including legal description and address (if no address is available, a description which is clear to the average lay person will suffice)), and the time, date and place of the public hearing.
 - a. In addition, the petitioner shall post one or more “rezoning signs” on the premises of said property to be rezoned. Such sign(s) shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line not less than fifteen (15) days prior to the public hearing. The sign shall read as follows: This Property Being Considered for Rezoning. For Information contact Lakeview City Hall (870) 431-8744.

b. In addition the petitioner will be required to notify by certified letter, all property owners within two hundred (200) feet of the property of their intention to rezone not less than fifteen (15) days prior to the hearing. The petitioner shall state the date and time of the public hearing with the certified letter. Proof that such mailings have been accomplished shall be submitted to the city not less than ten (10) days prior to the Planning & Zoning Commission meeting along with a map showing the location of the property in question as well as the owners within 200 feet of the property. A letter from the petitioner certifying that the map shows a complete list of those property owners is also required. (Ordinance 16-02)

2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning and Zoning Commission recommending same to the Lakeview City Council for adoption.

3. If the Planning and Zoning Commission disapproved a proposed amendment, the reason for such disapproval shall be given in writing to the petitioner within fifteen (15) days from date of decision.

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

If the Lakeview City Council does not concur with the recommendations of the Planning and Zoning Commission, either as first submitted or as submitted after re-study, the Lakeview City Council may, by a majority vote, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning and Zoning Commission, the petitioner may appeal such disapproval to the Lakeview City Council, provided that the petitioner states specifically in writing to the Lakeview Recorder/Treasurer why he/she considers the Planning and Zoning Commission's findings and decisions are in error. Such appeal shall be filed with the Lakeview Recorder/Treasurer within fifteen (15) days of receipt of the Planning and Zoning Commission action.

C. No application or a change in zoning classification will be reconsidered by the Planning and Zoning Commission within twelve (12) months from the date of final disapproval unless the commission finds that a substantial reason exists for waiving this limitation

D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his/her property shall deposit with the Recorder/Treasurer the sum of one hundred dollars (\$100.00) to cover the expenses involved in this procedure. (Ordinance 16-02)

CHAPTER VI – BUILDING PERMITS/FEEES

Section 1 – Responsibility

The Building Official shall be responsible for the administration and enforcement of these regulations.

Section 2 – Building Permits

- A. No structure shall be erected, moved, added to, or externally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board of Adjustment.
- B. All applications for building permits shall show dimensions and shape of the lot to be built upon; the sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structure alterations; existing or proposed uses of structure and land; the number of families, housekeeping units or rental units the structure 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 these regulations.

Section 3 – Fees

The Lakeview City Council shall set fees for all applications, permits or appeals provided for by these regulations to defray the costs of advertising, mailing notices, processing, inspecting and copying applications, permits and use permits.

Section 4 – Violations

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

Section 5 – Penalty for Violation

Any violation of these zoning regulations shall be deemed a misdemeanor offense and any person partnership or corporation refusing to comply within thirty (30) days of notification of such violation shall, upon conviction, be fined a sum not less than \$50.00 nor more than \$500.00. Each day the violator remains out of compliance shall constitute a separate offense.