

BONO, ARKANSAS

ZONING CODE

TABLE OF CONTENTS

ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION		1
1.1	Citation	1
1.2	Purpose	1
1.3	Nature And Application	1
1.4	Completion Of Existing Buildings	1
1.5	Area Not To Be Diminished	1
ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES		2
2.1	Zoning Districts Established	2
2.2	Zoning Districts Map	2
2.3	Interpretation Of District Boundaries	2
2.4	Classification Of Annexed Lands	2
2.5	Vacation Of Public Easements	3
ARTICLE 3. SPECIFIC DISTRICT REGULATIONS		3
3.1	Residential Districts	3
3.2	Commercial Districts	3
3.3	Industrial Districts	7
3.4	[Reserve for Future Use]	10
3.5	A-1 Agricultural District	12
ARTICLE 4. SPECIAL PERMIT USES		14
4.1	Nature And Description	14
4.2	Uses	14
4.3	Procedure For Authorizing	14
4.4	Fees	14
ARTICLE 5. SPECIAL PROVISIONS		15
5.1	Accessory Buildings	15
5.2	Child Care Centers	15
5.3	Fences	16
5.4	Flammable Liquids And Gases	16
5.5	Height Requirements	17
5.6	Home Occupations	17
5.7	Visibility At Intersections	17
5.8	Service Station Pumps	18
5.9	Storage And Parking Of Trailers And Commercial Vehicles	18
5.10	Mining, Excavation, And Material Storage	19
5.11	Construction Within Floodplain Area	19
5.12	Recreational Vehicle Or Travel Trailer Parks	20
5.13	Manufactured Home Subdivision	20
5.14	Manufactured Home Parks	21
5.15	Manufactured Homes	21
5.16	Mobile Homes	22
5.17	Metal Carports	23
5.18	Free-Standing Vending Machines	23
5.19	Driveways	23

5.20	Sidewalks	24
5.21	Buffer Protection Of Residential Zones	24
5.22	Pre-Existing Conditions	25
ARTICLE 6. OFF-STREET PARKING AND LOADING REQUIREMENTS		25
6.1	Off-Street Parking Requirements	25
6.2	Off-Street Loading And Unloading Requirements	27
6.3	Surface Requirements	27
ARTICLE 7. [RESERVE FOR FUTURE USE].		28
ARTICLE 8. [RESERVE FOR FUTURE USE]		28
ARTICLE 9. [RESERVE FOR FUTURE USE]		28
ARTICLE 10. NONCONFORMING REGULATIONS		28
10.1	Nonconforming Use Of Land	28
10.2	Nonconforming Structures	28
10.3	Nonconforming Use Of Structures	29
ARTICLE 11. BOARD OF ADJUSTMENT		30
11.1	Creation And Appointment	30
11.2	Organization	30
11.3	Powers And Duties	30
11.4	Procedure For Appeals	32
11.5	Effect Of Appeal	32
11.6	Appeals From Board Of Adjustment	32
ARTICLE 12. ADMINISTRATION AND ENFORCEMENT		33
12.1	Building Official	33
12.2	Building Permit	33
12.3	Demolition	34
12.4	Certificate Of Occupancy And Compliance	34
12.5	Penalty For Violation	34
12.6	Amendments	35
12.7	Fees	36
ARTICLE 13. DEFINITIONS		37
13.1	Interpretation	37
13.2	Other Definitions	37
13.3	Definitions	37
ARTICLE 14. VALIDITY AND REPEAL		44
14.1	Validity	44
14.2	Repeal	44

ARTICLE 1. CITATION, PURPOSE, NATURE AND APPLICATION

1.1 Citation: This Code, in accordance with Arkansas Code Annotated §§ 14-56-401 et. seq., shall be known as the Bono Zoning Code and may be cited as such.

1.2 Purpose: The Zoning Regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Bono and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Bono, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

1.3 Nature And Application: For the purposes stated, the City has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space and the uses of land, buildings, and structures. In interpreting and applying the provisions of this Zoning Code, they shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the Bono Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Code.

1.4 Completion of Existing Buildings: Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Code. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of this Code, provided construction is started on said building within 60 days after adoption of this Zoning Code.

1.5 Area Not To Be Diminished: The lot or yard areas required by this Zoning Code for a particular building or use at the time of adoption of this Code or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building or use. If the lot, open space, or yard areas required by this Code for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and subject to penalties as provided in this Code.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

2.1 Zoning Districts Established: For the purpose of this Zoning Code, the City is hereby divided into land use zoning districts, as follows:

- R-1 Single Family Residential
- R-2 Low Density Residential
- R-3 Medium Density Residential
- R-4 Manufactured Home Residential
- C-1 Commercial
- I-1 General Industrial
- A-1 Agricultural District

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

2.3 Interpretation of District Boundaries: Where uncertainty exists as the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

6) In circumstances not covered by the preceding rules, the Bono Planning Commission shall interpret the district boundaries, subject to appeal to the City Council pursuant to Article 12.6 herein.

2.4 Classification of Annexed Lands: All new additions and annexations of land to the City shall be in an R-1 Residential, Single-Family District, unless otherwise classified by the City Council, for a period of time not to exceed one year from the effective date of the Code annexing said addition or land area.

Within this one-year period of time, the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the City's comprehensive development plan, and upon receipt of such recommendations, the City Council shall, after the public hearing as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

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

ARTICLE 3. SPECIFIC DISTRICT REGULATIONS

3.1 Residential Districts: Residential Districts shall be in compliance with the following regulations:

3.1.1 General Description: The regulations for the residential zoning districts are designed to (1) protect the residential character of the included areas by excluding commercial and industrial activities, (2) encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds, (3) permit certain community facilities and public utilities for the convenience and general welfare of the people, and (4) preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site area. There is herein established four residential zoning districts which include the R-1 Single-Family, R-2 Low Density Residential, R3 Medium Density Residential District, and R-4 Manufactured Home District. The more specific description of these districts are indicated below.

1) *R-1 Single-Family Residential.* This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. This is accomplished by allowing transition zones such as R-2 and R-3 as buffers between commercial zones. In cases where factors such as the development of an arterial street through an R-1 zone results in commercial zoning, such zoning shall be limited to the frontage lots only. Other means of buffer protection shall then be appropriately required.

2) *R-2 Low Density Residential District.* This is a residential district to provide for a slightly higher population density and a greater diversity of housing types, but with basic restrictions similar to the R-1 district. The principal use of land is for single-family attached and detached structures and two-family developments which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities, thereby resulting in relatively low gross densities.

3) *R-3 Medium Density Residential District.* This is a residential district to provide for medium density dwellings and includes a wide variety of housing types, including manufactured homes as a Special Use. The principle use of land is for single-family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

4) *R-4 Manufactured Home District.* This district recognizes a specific housing type which must be accommodated in the City of Bono in either rental park settings or in subdivisions which provide for ownership of structure and lot. It is the intent of this district that it be located so as to not adversely affect the established residential development patterns and densities in the City. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City.

3.1.2 Uses Permitted: The permitted uses in the residential districts are set forth below. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to (A) the providing of off-street parking in the amount required, (B) conformance to the special conditions applying to certain uses as set forth in Article 5, and (C) the providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units. Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article 4.

PERMITTED USES	ZONING DISTRICT			
	R-1	R-2	R-3	R-4
Bed and Breakfast	NP	NP	SP	NP
Child Care Center - Private	NP	NP	NP	NP
Child Care Center - Public or Non-profit	SP	SP	SP	SP
Child Care Family Home	SP	SP	SP	NP
Club or Lodge, Private	NP	SP	SP	NP
Church	SP	SP	SP	SP
Community Building	SP	SP	SP	SP
Health Center, Institution for Aged or Children	NP	SP	SP	NP
Nursing or Rest Home	NP	NP	SP	NP
Park and Recreational Facility	P	P	P	P
School, Nursery or Day Care for Children, subject to Art. V., Sec. 3	SP	SP	SP	SP
School - Public or Private	SP	SP	SP	SP
Field Crops, Gardens	P	P	P	P
Accessory Uses as defined in Art. 13 that are accessory to the permitted uses in these districts	P	P	P	P

PERMITTED USES (Continued)	ZONING DISTRICT			
	R-1	R-2	R-3	R-4
Single-Family Detached	P	P	P	NP
Single-Family – Manufactured Home	NP	NP	P	P
Single-Family – Modular Home	NP	NP	P	SP
Single-Family Attached	NP	P	P	NP
Two-Family Dwellings	NP	P	P	NP
Multiple-Family Dwellings	NP	NP	P	NP
Manufactured Home – Subdivision	NP	NP	NP	P
Manufactured Home – Parks	NP	NP	NP	P

3.1.3 Units per Lot: Where single-family homes or duplexes are permitted, development is limited to one principle structure per building lot. Where duplexes are permitted, development is limited to one principle structure per building lot. For all uses except, "Multiple Family Dwellings" in the R-3 District, only one primary structure per lot is permitted in a residential district.

3.1.4 Lot, Yard and Height Regulations: No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc., shall meet the most restrictive area, yard and height requirements listed below for the zone in which they are located.

Z D O I N S E T I R N I G C T	USE	LOT AREA SQ. FT.	LOT AREA PER FAMILY	LOT WIDTH AT BLDG LINE	F R O N T	SIDE			REAR YARD	HEIGHT MAXIMUM STORIES	FT
						INTERIOR	EXTERIOR BACKING UP TO SIDE YD.	CORNER LOT BACKING UP TO REAR YD.			
R-1	SF Detached	7,500	7,500	70	25	7.5	25	15	25	2-1/2	35
R-2	SF Detached Duplex	6,000	5,000	60	25	7.5	25	15	25	2-1/2	35
		9,000	4,500	90	25	7.5	25	15	24	2-1/2	35
R-3	SF Detached	6,000	5,000	70	20	7.5	20	15	25	2-1/2	35
	SF	6,000	5,000	70	20	7.5	20	15	25	2-1/2	35
	Manuf/Mod	6,000	5,000	70	20	7.5a	20	15	25	2-1/2	35
	SF Attached	8,000	4,000	80	20	7.5	20	15	25	2-1/2	35
	Duplex	4,500b	4,500b	22c	20	7.5a	20	15	25	2-1/2	35
	Townhouses Multi-Family	10,000	2,500	70d	20	10	20	15	25	2-1/2	35
R-4	MH - Subdiv	5 acres	5,000	45	20	10	20	15	20	1	15
	MH - Park	2 acres	4,500	45	20	10	20	15	20	1	15

Notes:

- a) For unattached sides only.
- b) This area includes both private and common area.
- c) When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.
- d) Minimum lot width shall be increased by 10 feet for each dwelling unit exceeding four, up to a maximum required width of 200 feet.
- e) For corner lots the side setback next to a street will be 15 feet from the street right of way line.

3.2 Commercial Districts: Commercial Districts shall be in compliance with the following regulations:

3.2.1 C-1 Commercial: This district is intended to provide space for the conduct of business and the provision of services essential to support the residents within the City and the surrounding area, including retail, professional offices, financial institutions, transient facilities, amusement facilities, limited wholesaling and warehousing, and business activities retail servicing the general and motoring public.

PERMITTED USES	ZONING DISTRICT
Adult Daycare Center	P
Amusement Facility Commercial	P
Antique or Gift Store	P
Appliance Sales & Service	P
Automotive Accessory & Supply Store	P
Automotive & Truck Sales (New & Used) & Service	P
Automotive Body Shop	P
Automotive Car Wash	P
Automotive Service Station. not including body or motor repair or painting	P
Bank, Savings & Loan	P
Barber or Beauty Shop	P
Bed and Breakfast	SP
Child Care Center – Private (with one on-site dwelling unit)	P
Child Care Center – Public or Non-Profit (with one on-site dwelling unit)	P
Clinic, Dental, Medical or Osteopathic, Chiropracist, Pharmacy	P
Clinic, Veterinary	SP
Club or Lodge	P
Convenience Store	P
Drug Store	P
Dry Cleaners & Laundry	P
Eating Place, which does not provide service in automobile (with interior dining facilities)	P

PERMITTED USES	ZONING DISTRICT
	C-1
Florist Shop	P
Free-Standing Vending Machines	NP
Funeral Home, Mortuary or Undertaking Establishment	P
Hotel	P
Light Industry with Retail Shops	SP
Motel	P
Mini Storage	P
Multi-Family Residential	SP
Manufactured Home - Individual	SP
Office: Professional	P
Public Buildings & Facilities	P
Retail Establishments with No Outside Display	P
Retail Establishments – Outside Display	P
School, Nursery or Day Care	P
Single-Family Detached Dwelling	SP
Studio, Photographic, Musical	P
Theater, Indoor	P
Warehousing, Inside Storage Only	P
Utility Staging Yard w/Outdoor Storage	NP
Wholesale Equipment	P
Wrecker Service	SP
Accessory Uses to Permitted Uses	P

4) *Lot, Yard and Height Regulations.* No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth in the following table. When adjacent to residential zones, building permit may increase setback requirements as appropriate for buffer protection. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table.

PERMITTED USES	ZONING DISTRICT
	C-1
Minimum Lot Area (Sq. Ft.)	5,000
Minimum Lot Width at Building Line (Ft.)	50
Maximum Lot Coverage (Percentage)	50
YARD REQUIREMENTS (IN FEET)	
A. Minimum Front Yard*	25
B. Minimum Side Yard*	25
C. Minimum Side Yard	
1) Interior	
(a) When abutting property in residential district	20
(b) When abutting property in nonresidential district	15
2) Exterior	15
HEIGHT REGULATIONS	
Maximum Number of Feet	35
Maximum Number of Stories	3

* In districts with planned roadway improvements, setbacks shall be measured from the anticipated right-of-way.

3.3 Industrial Districts: Industrial Districts shall be in compliance with the following regulations:

3.3.1 I-1 General Industrial: This industrial district is intended to provide areas where manufacturing and industrial activities can take place. It is intended to provide space for manufacturing, wholesaling, warehousing, processing, storage, assembling, packaging, and similar types of industrial uses and activities, and including also the bulk storage of liquids and solids outside buildings and in the open spaces and the storage and assembly of goods and materials in the open areas outside enclosed buildings.

3.3.2 Permitted Uses: The permitted uses in the industrial districts are set forth below:

1) *I-1 General Industrial District.* Property and buildings in the I-1 General Industrial District shall be used only for the following purposes:

- A. Manufacturing, compounding, processing, packaging, and/or assembling of products which, by the nature of the operation, does not produce noise, dust, odor, or vibration that is detrimental or dangerous to the health, safety, or general welfare of the community.
- B. Any business, commercial, or industrial uses which do not create unusual hazards of fire, explosions, noise, vibration, dust, or the emission of smoke, odor or toxic gases. No use which would involve the manufacture, processing, or storage of any material or goods which has a high hazard of fire, explosion, or of a toxic nature shall be permitted as a use by right in the I-1 Light Industrial District.
- C. Certain uses permitted in the C-3 Highway Commercial District by right, namely automotive accessory and supply store, automotive body shop, automotive car wash, dry cleaners and laundry, florist shop and greenhouse, professional offices, mini-storages, nursery or day care center, photographic or musical studio, warehousing with inside storage only, wholesale establishment, and accessory uses; and other selected uses by special permit, namely public buildings and facilities, automotive and truck sales and service, and automotive service station.
- D. Dwellings for resident watchmen and caretakers employed on the premises.
- E. Uses or activities which involve in addition to customary and normal manufacturing and industrial processes the storage of bulk materials when it is found that the specific location and the safeguards provided so reduce the danger from fire or explosion as not to be dangerous to the health, safety, or general welfare of the community and especially nearby properties.
- F. While the permitted uses described above in Sub-paragraphs (A) and (E) are permitted by right, the following provisions pertain to extraordinary situations and those which do not mesh with the stipulations and regulations prescribed above in this subsection. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Bono or the State of Arkansas, be located in the I-1 General Industrial District only after the location and nature of such use shall have been approved by the City Council after public hearing and report by the Planning Commission as normally required and provided in Article 4. The City Council shall review the plans and statements and shall not permit such buildings, structures, or uses until

it has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The City Council, in reviewing the plans and statements, may consult with other agencies created for the promotion of public health and safety, and may attach such special conditions or safeguards as it deems necessary to protect the public interest, health and safety. With regard to the situations described herein, the approval of the Planning Commission and the City Council shall be in accordance with the stipulations and requirements pertaining to special permit uses as contained in Article 4. This means that the use so allowed is not by right but rather by special permit.

3.3.3 Area Regulations: The following area regulations apply to uses and activities located in the industrial district.

1) *I-1 General Industrial District.* The following area regulations shall apply to all properties, buildings, and uses located in the I-1 General Industrial District.

- A. All structures shall be built at least 25 feet from all property lines, except that where the property abuts a railroad where siding facilities are provided or utilized, structures may be built up to and adjacent to the railroad property line.
- B. Buildings and structures shall not exceed 50 percent of the lot area.
- C. The maximum height of a structure shall be 3 stories or 45 feet.
- D. Off-street parking and off-street loading shall be provided in accordance with the regulations contained in Article 6.
- E. All bulk storage of goods or materials must be located within the confines of structures, or enclosed entirely by a sight-proof fence not less than 6 feet nor more than 8 feet in height so that said goods or materials may not be seen from the street or any adjacent property. Said screening adjacent to railroad siding facilities is not required. These are the area requirements that pertain to all properties, uses and activities located in the two industrial districts.

3.4 [Reserve for Future Use]

3.5 A-1 Agricultural District: A-1 Agricultural District shall adhere to the following regulations:

3.5.1 General Description: This district is designed to provide for the compatible existence of agricultural activities within the City's corporate boundaries so that agricultural uses are protected as a valuable natural resource and do not unduly disturb the desirable functioning of residential, commercial, and industrial uses.

3.5.2 Uses Permitted: Property and buildings in the A-1 Agricultural District shall be used only for the following purposes:

- 1) Agriculture except hog farms.
- 2) Animal husbandry - the care and breeding of animals, excluding hogs, for sale.
- 3) Single-family dwellings.
- 4) Public facilities.

In addition to the above uses which are permitted by right in the A-1 Agriculture District, the following uses may be permitted on review as special permits in accordance with the provisions contained here in Article 4.

- 1) Large-site commercial recreation use of 2 acres or more.
- 2) Golf courses and fairgrounds.

3.5.3 Area Regulations: The following area regulations apply to the A-1 district and shall be negotiated prior to Planning Commission approval.

- 1) The minimum site size for any agriculture or animal husbandry shall be one acre. Residential uses shall meet the minimum requirements as per the most restrictive residential zone otherwise permitted within the City.
- 2) The minimum setback of agricultural and animal husbandry structures from any residential zoning district is 100 feet. Otherwise, all such structures shall be set back a minimum of 50 feet from all front, rear and side yards.

3.5.4 Approval of Expansions: The Agricultural Zone is intended to protect and preserve existing agricultural uses. The expansion of any existing use, including proposed new improvements, must be approved as a Special Permit Use in accordance with the procedure in Article 4.

ARTICLE 4. SPECIAL PERMIT USES

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

4.2 Uses: The following provides clarification of restriction and permission of uses in specific districts:

4.2.1 Uses Restricted to Specific Districts: Uses which are listed in various districts as "special permit uses" may be located only in the district or districts so designated in Sections 1 and 2 of Article III and in accordance with the procedure described herein in Section 3.

4.2.2 Uses Permitted in Any District: The following special uses may be authorized in any district in accordance with the procedure described herein in Section 3:

- 1) Cemetery or mausoleum.
- 2) Greenhouse or nursery.
- 3) Hospital or sanatorium.
- 4) Landing field or strip for aircraft.
- 5) Radio tower, cellular phone, wireless, satellite, or other broadcasting station or tower.
- 6) Removal of gravel, topsoil or similar natural material.
- 7) Public utility structure.
- 8) Churches and other places of worship.

4.3 Procedure for Authorizing: The following procedure is established to integrate properly the special permit uses 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 with the City Planning Commission for review. Said application shall show the location and intended use of the site and existing land uses within 200 feet and any other material or information pertinent to the request which the Planning Commission may require.
- 2) The City Planning Commission shall hold a public hearing thereon. At least fifteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Bono. The Public Notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the City Building Official shall post on the property in a conspicuous location a sign which shall notify the general public of the proposed use and the public hearing date, time and place, at least fifteen days of the hearing.
- 3) In considering an application for a Special Use Permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. The Planning Commission may deny an application for a Special Use Permit, or, in granting such a permit, may impose such requirements and conditions with respect to location, construction, maintenance and operations as it may deem necessary for the protection of adjacent properties and the public interest.
- 4) A majority vote of the entire Planning Commission (at least five votes) shall be required to recommend approval of a Special Permit application to the City Council.
- 5) The City Council, by a majority vote, may approve a recommended Special Permit application, may approve in a modified form, or may reject the application. No application for a Special Permit use may be re-filed for a period of 12 months from the date of final disapproval of such application.
- 6) A Special Use Permit shall run with the land; however, any expansion of the original development authorized by Special Use Permit that exceeds 100 square feet or an estimated construction cost of \$10,000 shall require a new Special Use Permit.

4.4 Fees: Before any action shall be taken as provided in this section, the petitioner shall deposit with the City Clerk the appropriate fee as set by the City Council. This fee is non-refundable regardless of the outcome of the action.

ARTICLE 5. SPECIAL PROVISIONS

5.1 Accessory Buildings: Accessory buildings shall conform to the following regulations.

5.1.1 Location: An accessory building may be built within a rear or side yard when located at least 5 feet from both the rear and the side lot line and is not located within any public easement.

5.1.2 Carports: All metal Carports when installed in front yards or side yards next to streets, shall be subject to the same setbacks as govern for the particular zone as listed in Article 3, Section 3.1.3 and Article 3, Section 3.2.3. When installed in a rear yards away from the street side they shall comply with accessory building setback requirements.

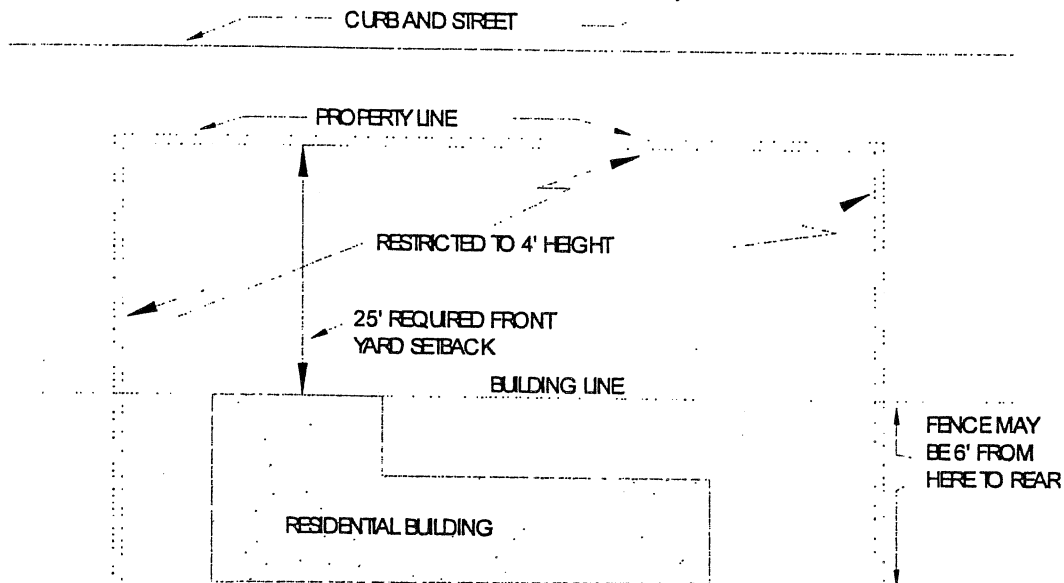
5.2 Child Care Centers: Child care centers, when authorized under special permit uses in residential districts, shall meet the following provisions:

- 1) The center shall be located in a single-family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
- 2) The dwelling shall be located on a lot having not less than 6,000 square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence not less than 6 feet in height.
- 3) The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.
- 4) One off street parking space shall be provided for each employee of the center.
- 5) An off street drive shall be provided for use as a drop off point for discharging children into the center.
- 6) Commercial day care centers, kindergartens, and nurseries that are operated from buildings not originally designed as dwellings shall be located in a commercial zoning district.

5.3 Fences: An ornamental fence, hedge or wall not more than 4 feet in height may project into or enclose any front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fences and walls do not exceed a height of 6 feet.

Commercial or industrial properties adjoining residential properties shall meet the requirements set forth in Article 7, Sect. 7.3.

Fences on corner lots shall comply with visibility requirements of Article 5, Section 5.7.



5.4

5.4 Flammable Liquids and Gases: The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

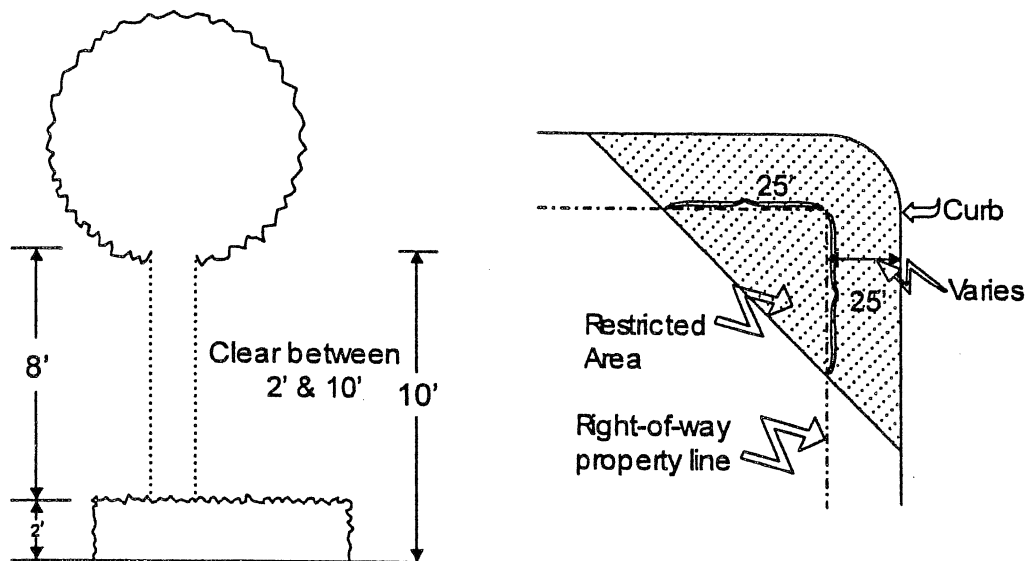
5.5 Height Requirements: Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the City. Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one foot for each foot of building height above the specified height limit.

5.6 Home Occupations: An occupation may be carried on in a residential structure in a residential zone only if the following are complied with:

- 1) It does not involve the use of commercial vehicles operating from or parking at the residence.
- 2) It does not require the use of more than two rooms 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) It does not involve the external display of goods and services.
- 5) The occupation must be carried on only by the occupant family of said residence.

5.7 Visibility at Intersections: Visibility at intersections shall comply with the following diagram:



5.8 Service Station Pumps: Service station pumps and pump islands may occupy the required yards provided, however, that they are not less than 15 feet from all property lines.

5.9 Storage and Parking Of Trailers and Commercial Vehicles: Commercial vehicles and trailers of all types, including travel, camping and hauling and Manufactured Homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

- 1) Not more than one commercial vehicle, which does not exceed one and one-half tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.
- 2) No trailer (camping, hauling, travel, or other type) shall be parked or stored for more than one week unless said trailer(s) is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits.

5.10 Mining, Excavation, And Material Storage: Mining, including extraction of clay, gravel or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand or stone on the ground shall not be construed to be a permitted use in any district unless and until a Special Use Permit is issued by the Planning Commission, except for the following defined extractions and deposits:

- 1) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height.
- 2) Grading in a subdivision which has been approved by the City in accordance with the City of Bono Subdivision Regulations.
- 3) An extractive operation existing and operating as such on the effective date of this Code.

The Planning Commission may grant Special Use Permits, revocable and valid for specified periods of time to permit mining or extraction from, or deposits on, the ground of rock, stone, gravel, sand, earth, minerals, or construction materials.

5.11 Construction Within Floodplain Area: It is intended that this section be applied in a uniform manner to those properties within the City of Bono which are subject to inundation under the 100-year frequency flood conditions. The boundaries of the floodplain area shall be determined from the Flood Hazard Boundary Map or the Flood Insurance Rate Map as prepared by the Federal Insurance Administration or the Federal Emergency Management Agency as may be updated from time to time. In cases where such maps identify within the floodplain an area of the channel or stream bed called the floodway, no building or structure of any type shall be allowed within said floodway. Otherwise, any proposed structure within a floodplain area as defined above shall comply with the following criteria:

- 1) Structures shall have the lowest floor (including basement) elevated to no less than 1 foot above the Base Flood Elevation.
- 2) Nonresidential structures together with attendant utility and sanitary facilities shall be flood proofed up to the level of the 100-year flood in compliance with the Building Code of the City of Bono.

For any such structure proposed within the defined floodplain area, it shall be the responsibility of the applicant for a building permit to furnish sufficient engineering data so that the City may clearly determine full compliance with this section.

5.12 Recreational Vehicle or Travel Trailer Parks: A travel trailer park as defined in this Code may be established as a commercial enterprise for short-term transient occupants in C-1 zones only. There is no minimum area which may be developed or used for the purpose of a travel trailer park, but the site should be well-drained and properly graded in order to insure rapid drainage and freedom from stagnant pools of water. Because of the variety of different sizes and lengths of individual units, there is no maximum density requirement for travel trailer parks. However, all travel trailers shall be separated from each other and from other structures by a distance of at least 10 feet. Any accessory structures such as attached awnings and carports shall, for purposes of the separation requirement, be considered to be part of the trailer.

Plans for a commercial travel trailer park shall be submitted to the Building Official for approval and issuance of a building permit. The plans submitted shall include and clearly indicate, at a minimum, the following:

- 1) Adequate space dimensions to accommodate the different sizes of expected vehicles.
- 2) Street and access roads located within the travel trailer park.
- 3) Set of plans for the service building which shall house an approved number of restrooms, lavatories, showers, and other sanitary facilities as the State Department of Health may require for the number of spaces available in the park.
- 4) Water and sewer stands to accommodate each trailer space.
- 5) Electrical master fuse or breaker panel, and receptacles in compliance with National Electrical Code.
- 6) Sanitation containers deployed at intervals to accommodate not more than two spaces.
- 7) Letter of approval from State Department of Health.

Upon determination that the submitted plans and information complies with all the standards described above, and with all other applicable ordinances that are in effect in the City of Bono, the administrative official shall issue a building permit.

5.13 Manufactured Home Subdivision: Manufactured Home subdivision, which shall be established in the R-4 Residential zone only, provide an opportunity for Manufactured Home ownership of structure and lot for those Manufactured Homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All Manufactured Homes so located within an approved subdivision must have the date plate attached to the unit specifying "This Manufactured Home is designed to comply with Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture."

Manufactured Home subdivisions shall fully comply with the regulations of this Code and further be governed by the Land Subdivision and Development Code of the City of Bono. Furthermore, individual Manufactured Homes located within a Manufactured Home subdivision must be converted to permanent structures as defined in Article 13 of this Code.

5.14 Manufactured Home Parks: All new Manufactured Home parks that are established or existing or Manufactured Home parks which are expanded after the effective date of this Code shall comply with all of the regulations and standards contained in this section. Manufactured Home parks shall be established only in the R-4 Residential zone. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than 2 acres shall be used for a Manufactured Home park.

5.14.1 Development Standards: Manufactured Home Parks are required to meet the terms of the following guidelines:

- 1) The park shall be located on a well-drained site properly graded to insure rapid drainage or freedom from stagnant pools of water.
- 2) Manufactured home spaces shall be provided consisting of a minimum of 4,500 square feet for each space which shall be at least 45 feet wide and clearly defined.
- 3) The minimum front yard setback shall be twenty feet to the front lot line of the manufactured home park. Additionally, each manufactured home unit shall be set back at least 20 feet from all internal drives and access routes through the manufactured home park.
- 4) The park shall be designed to accommodate a minimum of five manufactured homes.
- 5) Manufactured homes shall be so harbored on each space that there shall be at least a 20 foot clearance between the manufactured homes.
- 6) All manufactured home spaces shall abut a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.
- 7) Internal streets and drives shall be designed for safe and convenient access to all manufactured home spaces. All such internal drives shall be privately owned, built, and maintained. Such roadways shall be at least 20 feet in width and shall be constructed with a bituminous or concrete surface.
- 8) Each manufactured home space shall be provided with two off-street parking spaces each 9 foot by 20 foot in dimension.

9) Manufactured home parks must set aside open space as required by the Health Department of the State of Arkansas.

10) Manufactured homes shall be set up and anchored according to the manufacturer's instructions as recognized by the Arkansas Manufactured Home Commission.

5.14.2 Approval Procedure: All licenses and permits as required by the City of Bono in this or other applicable Ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the Manufactured Home park to the Planning Commission for review and approval prior to preparation of a final plat to insure conformity with plans and regulations. The preliminary plans submitted shall include an approval by the Bono Water Department, the Gas Company, and any other utilities or City governmental departments that may become involved in the final development of the site. The Manufactured Home park owner and developer shall submit evidence indicating that he is responsible for the complete cost of the development including site preparation, Manufactured Home spaces, installation of all utilities, driveways, parking areas, park facilities and recreational facilities. After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed Manufactured Home park lot. This plat shall be prepared by a Registered Professional Engineer in accordance with the Land Subdivision and Development Code of the City of Bono. A building permit for construction of the park cannot be issued until a final plat has been approved for the Manufactured Home park site.

5.15 Manufactured Homes: The establishment, location, and use of manufactured homes as individual-site single-family residences shall be permitted in the R-3 and R-4 zoning districts by right, subject to all requirements and limitations applying generally to such residential use in each of the respective districts, and provided such homes shall meet all of the following requirements and limitations:

- 1) The home shall meet all requirements as defined in Article 13 and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit.
- 2) The home must be appropriately sited on the lot, with the front of the home oriented to the front of the lot, and all required setbacks (front, side and rear) of the zoning district in which the home is located must be met without any exceptions or variances.
- 3) The home shall be installed in accordance with the manufacturer's instructions as recognized by the Arkansas Manufactured Home Commission, including site preparation, pier foundations-footings, pier support columns, and anchoring. Installation shall include

the construction of a perimeter foundation enclosure. The enclosure shall be of materials approved by the City of Bono and installed in conformance with the manufacturer's installation instructions.

4) The home shall be covered with an exterior material customarily used on site-built residential dwellings.

5) The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

6) The dwelling shall be occupied only as a single-family residential use.

5.16 Mobile Homes: Mobile homes, as defined herein, are prohibited in the City of Bono. Any existing mobile home shall only be replaced by a manufactured home as defined herein.

5.17 Metal Carports: Metal Carports are considered permanent structures and must meet the provision of the Bono Building Code.

5.18 Free-standing vending machines: Free-standing vending machines shall be installed as the principal structure on a lot and shall provide off-street access and parking so as not to block or impede traffic on any public street.

5.19 Driveways: The City does hereby adopt the Arkansas State Highway Department's standards, except as set forth in Sections 1- 3, below, as related to commercial and residential driveway widths, setback requirements from corners, and distance requirements between ingress and egress drives. Any such construction within the City shall meet or exceed the requirements set forth by said state standards.

1) Driveways used for residential ingress and egress may have a width equal to 36% of the street-side lot width used for the ingress but shall not exceed 36 feet in width, exclusive of curb returns. In the case of multiple frontage lots, the side used for the ingress shall be used as the basis for the calculation. Driveways used for commercial/industrial ingress and egress shall not exceed 40 feet in width, exclusive of curb returns.

2) On any new driveway, the construction shall include the removal of any curbs so that the driveway itself will be street level. Surface requirements as set out in Article 6, Section 3 shall apply.

3) Before construction of any new driveway, or relocation, or alterations in dimensions of any existing driveway connecting to a city street, the owner must apply for a driveway permit by completing application and paying the designated fee, in the office

of the City Clerk. The City reserves the right to have access plans to be reviewed by the Planning Commission in cases where traffic flow and safety may be a concern.

5.20 Sidewalks: Sidewalk requirements shall be addressed in all building permits. Construction standards shall be adopted by the City. Following are minimum requirements; the City may require additional sidewalks and wider sidewalks near commercial areas, schools and other places of public assembly.

- 1) Sidewalks shall be constructed on both sides of all streets in the C-1 District.
- 2) Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when new sidewalk will be constructed within 300 feet of existing sidewalks. Sidewalks shall be required on both sides of collector streets and major arterials and minor arterials when the entire area is a new development or part of a new commercial subdivision.
- 3) Sidewalks shall be constructed on both sides of all residential streets, abutting property lines. The sidewalks will be constructed in conjunction with the building and driveway improvements on each lot.
- 4) Sidewalks shall be in compliance with the Americans With Disabilities Act.
- 5) Questions or appeals concerning the construction of sidewalks must be addressed prior to the approval of a site plan and the issuance of a building permit.

5.21 Buffer Protection Of Residential Zones: All interior sides and/or the rear of a C-2, C-3, I-1, or I-2 lot abutting a residential use zoning district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than 5 feet nor more than 7 feet at the time of planting, except as controlled by visibility requirements of Article 5, Section 5.7. Such fence, wall, or hedge shall be maintained in good condition.

Further buffer protection as appropriate for these zones shall be provided by increased setback requirements at issuance of building permits.

The buffer protection requirement may be waived by the Building Official if the adjoining residential property owner(s) object to the placement of said buffer. The adjoining property owner shall submit a letter to the Building Official stating their objection. The letter must be signed by all owners of said property.

5.22 Pre-Existing Conditions: The standards for Special Provisions, Parking, Loading, and Other Requirements as set out in Articles 5 and 7 herein shall apply to all permits authorized herein which are issued after adoption of this Code, regardless of pre-existing use or conditions of non-compliance.

ARTICLE 6. OFF-STREET PARKING AND LOADING REQUIREMENTS

6.1 Off-Street Parking Requirements: Off-street parking shall conform to the following regulations.

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

- 1) Dwelling: Two parking spaces per single-family residence. One and one-half parking spaces for each separate dwelling unit within a multi-family structure.
- 2) Boarding or Rooming House or Hotel or Motel: One parking space for each guest room.
- 3) Medical or Dental Clinics or Offices and Hospitals: Five spaces per doctor plus 2 spaces for each 3 employees in clinics and offices. For hospitals there shall be one space per bed and one space per 2 employees, based on maximum employment of largest shift.
- 4) Sanatoriums, Convalescent, or Nursing Homes: One space for each 6 patient beds plus one space for each staff or visiting doctor plus one space for each 4 employees including nurses.
- 5) Community Center, Theater, Auditorium: One parking space for each 3 seats based on maximum seating capacity.
- 6) Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- 7) Office Building: One parking space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
- 8) Restaurants and Eating Establishments: One parking space for each 4 seats of seating capacity and one additional space for each 2 employees working at a given shift.
- 9) Commercial Establishments Not Otherwise Classified: One parking space for each 150 square feet of floor space in the building used for retail trade, or used by the public, whichever is greater.

- 10) Industrial Establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
- 11) Church Sanctuary: One parking space for each 3 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary.
- 12) All Others: For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- 13) Parking, back out spaces, and fire truck access will also meet or exceed city adopted Fire Codes.

6.1.2 Application of Standards: In applying the standards set forth herein, the following shall apply:

- 1) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in paragraph (11) above.
- 2) Where a fractional space results, any fraction more than one-half shall be counted as one parking space.
- 3) These standards shall apply fully to all uses and buildings established after the effective date of this Code.
- 4) Except for parcels of land devoted to one- or two-family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- 5) Requirements of this Article apply to all zoning districts.

6.1.3 Size: The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 foot by 20 foot plus adequate area for ingress and egress.

6.1.4 Existing Parking: Parking spaces used in connection with an existing and continuing use or building on the effective date of this Code, up to the number required by this

Code, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space.

6.2 Off-Street Loading and Unloading Requirements: The following rules and regulations shall apply to off-street loading and unloading facilities:

- 1) A building whose principal use is handling and selling goods at retail shall provide one off-street loading and unloading space for buildings up to and including 10,000 square feet of floor area, plus one additional space for each additional 10,000 square feet of gross floor area.
- 2) Manufacturing, repair, wholesale, and similar uses shall provide one off-street loading and unloading space for buildings containing 10,000 square feet of floor space, plus one space for each 40,000 square feet of floor area in excess of 10,000 square feet of gross floor area.
- 3) Where trailer trucks are involved, such loading and unloading space shall be an area 12 x 50 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

6.3 Surface Requirements: The following surface requirements necessitate sealed surfacing:

6.3.1 Commercial Driveways: All areas used for parking, drives, sales, loading and unloading of any type, and for use by the general public or employees shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted sub-base, or a six inch reinforced concrete surface over a compacted sub-base. Areas used for storage, display, and maneuvering may be graveled.

Commercial Driveways, used only by non-commercial vehicles, to access storage buildings by company personnel, and not used by the public in any way, shall meet commercial driveway turnout requirements listed below:

Commercial Driveway Turnouts: The portion of the drive between the edge of the street and the street right of way line shall be constructed with a minimum of 6 inch reinforced concrete on a stable compacted sub-base.

6.3.2 Residential Driveways: Residential driveways shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted base course, or a four inch reinforced concrete surface over a stable compacted sub-base. The hard surface requirements of this section shall not apply to residential driveway sections in excess of 100 feet.

Residential Driveway Turnouts: The portion of the driveway between the edge of the street and the street right of way line shall be constructed with a minimum of four inch reinforced concrete on stable compacted sub-base. This requirement shall not apply to lengths in excess of the first 20 feet per drive.

6.3.3 Maintenance: All areas not surfaced as above described shall be landscaped and maintained in such a manner as to prevent dust and soil run off from these areas.

ARTICLE 7. [RESERVE FOR FUTURE USE]

ARTICLE 8. [RESERVE FOR FUTURE USE]

ARTICLE 9. [RESERVE FOR FUTURE USE]

ARTICLE 10. NONCONFORMING REGULATIONS

10.1 Nonconforming Use Of Land: Where, on the effective date of adoption of this Code, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- 2) In any such nonconforming use of land ceases for any reason for a period of more than 6 months, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

10.2 Nonconforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
- 2) Should a structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

3) Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said land use of structure is in conformance with this Zoning Code.

10.3 Nonconforming Use Of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be allowed in the district under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be structurally altered except in changing the use of structure to a use permitted in the district in which it is located.
- 2) Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- 3) If no structural alterations are made, any nonconforming use of a structure or structure and premises, may be changed to another nonconforming use provided that the Council of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use.
- 4) Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- 5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 6 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 6) Should a structure containing a nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the nonconforming use. The Board of Adjustment may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Board may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

ARTICLE 11. BOARD OF ADJUSTMENT

11.1 Creation and Appointment: There is hereby created a City Board of Adjustment which shall consist of the Planning Commission as a whole. Their terms shall run concurrently with their appointment to the Planning Commission. On the effective date of this Code, the members of the Planning Commission that was legally in existence immediately prior to such date shall be constituted as members of the Board of Adjustment hereby created.

11.2 Organization: The organization of the Board of Adjustment shall operate under the following:

11.2.1 Officers: A Chairman and Vice Chairman shall be elected annually by the Board from among its membership. The Chairman, or in his absence, the Vice Chairman, shall preside at all meetings, shall decide all points of order or procedure, and, as necessary, shall administer oath and compel the attendance of witnesses.

11.2.3 Rules and Regulations: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Code. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, it shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk. A quorum of the Board shall consist of a majority of its members. When a quorum is present, the concurring vote of a majority of the board members present shall be necessary to revise any order or decision of the Building Official or to decide on any matter upon which it is required to pass under this Code.

11.3 Powers and Duties: The Board of Adjustment shall have all the powers and duties prescribed by law and by this Code, which are more particularly set forth in the following sections.

11.3.1 Administrative Review: The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Zoning Code. The Board may affirm or reverse, in whole or in part, said decision of the Building Official.

11.3.2 Variances: The Board shall authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board of Adjustment unless and until:

- 1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.
- 2) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- 3) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
- 4) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 5) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
- 6) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

11.3.3 Special Exceptions: In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

- 1) Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this Code.
- 2) Interpret zoning district boundaries where uncertainty exists at to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
- 3) Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted classifications as the original nonconforming use.

11.4 Procedure for Appeals: The following is the Board of Adjustment's Procedure for Appeals:

11.4.1 Application: The application for an appeal to the Board of Adjustment shall follow these guidelines:

1) Appeals to the Board of Adjustment may be made by any person aggrieved by any decision of the Administrative Official and shall be made in writing on forms prescribed by the Board within 10 days after the decision has been rendered by the Administrative Official. The appeal will be filed in the City Clerk's office. The fee for filing the appeal shall be set by ordinance of the City Council, and is to be paid at time of filing. Appeals for variances or Special Exceptions shall be filed on form prescribed and must be accompanied by an accurate plat of the property with proposed improvements shown to scale to verify actual adjustments in setbacks, parking or any other requirement that the petitioner is seeking relief from.

2) All appeals to the Board of Adjustment are to be filed in the City Clerk's office at least 21 days before the next regular meeting in order to be placed on the agenda. Required fees, as set by the City Council, are paid at the time of filing. If all documentation is in order, a public hearing will be set for the next regular meeting. The Board may call a special meeting in order to conduct the hearing, but no sooner than 21 days from the filing of the appeal.

11.4.2 Public Hearing and Notice: The Board shall set the meeting time and date for the public hearing of an appeal, give public notice thereof, and give due notice to the parties in interest within sixty days. Said public notice shall be published at least once not less than 7 days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear and speak in person, by agency, or by attorney.

11.5 Effect of Appeal: An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted or a court of record.

11.6 Appeals from Board of Adjustment: Any person or persons, aggrieved by any decision of the Board of Adjustment may seek review of such decision by the City Council by filing an appeal with the City Clerk within 15 days of the decision of the Board of Adjustment.

ARTICLE 12. ADMINISTRATION AND ENFORCEMENT

12.1 Building Official: The provisions of this Zoning Code shall be administered by a Building Official designated by the Mayor. He may be provided with the assistance of such other persons as the Mayor may direct. It shall be the duty of the Building Official to see that this Code is enforced through the proper legal channels. Appeal from the decision of the Administrative Official may be made to the Board of Adjustment. The Building Official is generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this Code, said activities to include, but not be limited to, the following:

12.1.1 Permits: To issue a building permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.

12.1.2 Records: To complete all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy, and of receipt of complaints of violation of these regulations and action taken on the same, and to keep such records on file in the designated City office.

12.1.3 Inspections: To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

12.1.4 Enforcement: To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Bono may enjoin any individual or property owner who is in violation of this Code to prevent or correct such violation. Any individual aggrieved by a violation of this Code may request an injunction against any individual or property owner in violation of this Code or may mandamus any official to enforce the provisions of this Code.

12.1.5 Advisements: To keep the Mayor, Planning Commission, and Board of Adjustment advised of all matters other than routine which relate to the administration and enforcement of these regulations.

12.1.6 Questions: The Building Official shall have the authority to bring before the Planning and Zoning Commission or Board of Adjustments any question they may have concerning any "gray area" the Zoning Code Book does not clearly define or address. They may also address said board or commission concerning any requirement in the zoning ordinance code book which should be waived for a particular situation or circumstance. This in no way precludes the right of any citizen to seek relief from a decision of the building official as provided for in Article 11.

12.2 Building Permit: Site Preparation for Commercial or Industrial Construction may begin upon issuance of a building permit; approval of the "Site Plan" by the Building Official and

payment of the required fee. It shall be unlawful to commence residential site preparation or any construction, reconstruction, or structural alteration of a building until the City Engineer has issued a building permit for such work. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, the size of the building to be erected and its location on the lot, its driveway, sidewalk, and parking plan, and such other information as may be necessary to provide for the administration of this Zoning Code.

12.2.1 Expiration: Every building permit shall expire by limitation at the end of 6 months from the date of issue unless work is in progress and shall expire, in any event, at the expiration of 12 months, unless, an extension is applied for and approved by the Building Official which in no case shall exceed an additional six months.

12.3 Demolition: No building shall be moved or demolished without first obtaining a demolition permit by filing application with the City Building Official, and paying a fee as set by the City Council. The application will be reviewed by the Building Official. The permit for moving shall require that the building to be moved be in place and brought up to the requirements of the City Building Code and the Planning and Zoning regulations within 120 days from the date of the permit. The permit for demolition shall require that the building be taken completely down and the site cleared of all debris within 120 days from the date of the permit.

12.4 Certificate Of Occupancy And Compliance: No building hereinafter erected or structurally altered shall be supplied with electrical service or be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official, stating that the building or proposed use of a building or premises complies with the building laws and provisions of this Zoning Code. It shall be the responsibility of the builder or contractor to obtain a certificate of occupancy prior to selling, renting or making the building available for occupancy. A record of all certificates of occupancy and compliance shall be kept by the Building Official. A certificate of occupancy and compliance may be revoked by the Building Official when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after revocation of the certificate shall constitute a separate offense and shall be punished as provided herein.

12.5 Penalty For Violation: Any person or corporation who shall violate any of the provisions of this Zoning Code or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than 100 dollars. Each day such violation is permitted to exist shall constitute a separate offence. The owner or owners of any building or premises or part thereof where anything in violation of this Code shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction

thereof shall be fined as herein above provided. Conviction of such violation shall not preclude the City or any citizen from pursuing any and all civil remedies available to them, including, but not limited to, injunctive relief.

12.6 Amendments: Two types of amendments to this Zoning Code are recognized, one being a revision in the textual provisions of the Code and the other being a change of boundary in a zoning district.

12.6.1 Amendment to Text: The Planning Commission may desire to initiate an amendment, in which case, a public hearing shall be conducted by the Planning Commission on the proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City at least one time, at least 15 days prior to the hearing. Following the public hearing, the Planning Commission shall submit any recommendation for amendment to the City Council for adoption.

12.6.2 Change in District Boundary: The City Council or an owner of property may initiate a change in district boundary. If the owner of property desires to revise the boundary line of a zoning district, he or his legally designated agent shall submit to the Planning Commission a petition for such rezoning. The petition shall provide the legal description of the property proposed for revision, a description of the property as it is generally identified or known by the public (such as a street address; or in the case of a large tract, a description of its general boundaries), the zoning classification requested for the property, a plat or map showing the property and all contiguous properties and their zoning classifications, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other optional information which the owner feels should be brought to the attention of the Planning Commission. The Planning Commission may develop a form application to assist applicants with providing all information the Planning Commission may consider.

12.6.3 Amendment and Abridgement: After adoption and proper filing of plans, ordinances, and regulations, no amendment, extension, abridgement or recall of these may be made except in conformance with the procedure prescribed above, or by a majority vote of the City Council.

12.6.4: Notice: Before a proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City at least one time 15 days prior to the hearing. Additionally, the Building Official shall place a sign in a conspicuous place on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said sign to be placed on-site not fewer than 15 days prior to the date of the hearing. If the property is contiguous to more than one city street, a sign will be placed on the property visible from each street.

12.6.5 Hearing and Approval: If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

- 1) The Planning Commission shall conduct the public hearing on the proposed amendment to the Code and/or Official Zoning Map.
- 2) Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in reduced scope by a majority vote of the entire Planning Commission, with recommendation for adoption by the City Council. Such modification shall not include a recommendation to a less restrictive zone.
- 3) If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within 15 days from the date of the hearing.
- 4) Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within 15 days after the Planning Commission's denial. No such amendment will be considered by the City Council unless appealed in accordance with this section.
- 5) The City Council, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- 6) If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, or with regard to an appealed matter, the City Council may, by majority vote, amend this Code by granting the request for amendment in full or in modified form.
- 7) No application for a zoning amendment will be reconsidered by the Planning Commission for a period of 12 months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by 2/3 majority vote that a substantial reason exists for waiving this mandatory waiting period.

12.7 Fees: Any party or parties proposing a change in the zoning regulations or district boundaries, and any party proposing the construction, reconstruction, moving, demolition or major structural alteration of any building or any other action described herein requiring a permit or fee must make application for such activity by completing the appropriate form at City Hall, and must pay the required fee.

ARTICLE 13. DEFINITIONS

13.1 Interpretation: For the purposes of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

13.2 Other Definitions: Specific sections of this Code may contain other definitions as appropriate.

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

Accessory Buildings and Uses. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

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

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

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

Automobile Junk and Salvage Yard or Scrap Yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.

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

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

Building. See Structure.

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

Building, Height. The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

Building Line. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

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

Building Official. The individual designated by the Mayor of Bono, Arkansas, with the responsibility of administering the city building and development codes.

Child Care Family Home. A situation, arrangement, or agreement by which one or more persons care for six or more children from more than one family but no more than 16 children in the caregiver's own family residence or some other suitable family-type residence.

Child Care Center – Private. A commercial child care center conducted under private, for-profit, auspices providing direct care and protection for children.

Child Care Center – Public or Non-profit. A child care center conducted by a church, school or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including church Bible Schools and day camps.

Clinic, Dental or Medical. A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Convenience Store. Any retail establishment offering for sale prepackaged or prepared food products, household items, gasoline and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

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

District, Zoning. Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in Commercial. Uses Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling. Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, Manufactured Homes, or travel trailers.

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

Dwelling, Detached. A dwelling having open space on all sides.

Dwelling, Single-Family. A dwelling designed to be occupied by one family.

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

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

Dwelling, Townhouse or Row House. Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling Unit. A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

Façade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons related by blood or marriage, including adopted children, or a group not to exceed 4 persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for some group use. A family may include domestic servants employed by said family.

Family Day Care Home. A facility caring for five related or unrelated children in the home of the operator with no employees.

Federal Standards. The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 *et. seq.*, as it existed on January 1, 1976.

Fence. A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

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

Free-Standing Vending Machine. A coin operated machine that dispenses merchandise intended as a stand-alone business to be accessed by automobile.

Garage, Private. An accessory building or a part of a main building used for storage purposes only for automobiles, used solely by the occupants and their guests of the building to which it is accessory.

Garage, Public or Repair. A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Gasoline or Service Station. A building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, body work, major repairs, or automatic washing facilities.

Height of a Sign. The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

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, and which is conducted entirely within the main or accessory building.

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

Hotel. A building or part thereof occupied as; a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

Kennel. Any lot or premises on which 4 or more dogs, more than six months of age are kept for personal use or boarding.

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

Lot, Area. The total horizontal area included within the lot.

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

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

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

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

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

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

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

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

Manufactured Home. A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the federal standards and under Arkansas Code Annotated § 20-25-102.

Manufactured Home Park. Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by Manufactured Homes or moveable sleeping quarters of any kind.

Mobile Home. A dwelling unit constructed in a factory before the enactment of the Federal Standards.

Modular Home. A residential structure, constructed in a factory and transported to the city in one or more sections and which meets the Bono Building Code.

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

Nonconforming Use. Any building or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the district within which it is located.

Nursing Home. Any premises where more than three persons are lodged and furnished with meals and nursing care.

Open Space. An unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.

Parking Lot. An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

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

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

Public Utility. Any person, firm, corporation, municipal department, or Council, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Residential Drive. That portion of the access component utilized as a vehicle entry point to a one or two family structure, existing upon the street right of way and in case less than 10 feet from the edge of existing street surface.

Satellite Television Receiving Dishes, Ground Mounted. A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Aid devices are herein defined as accessory structures.

Service Station. See Gasoline Service Station.

Setback. Distance between the lot line and the building line.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

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

Structure. Anything constructed or erected 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 and drives.

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

Travel Trailer. The travel trailer unit is a department temporary single-family dwelling unit built on a chassis not exceeding 8 feet wide and 32 feet long designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Unit may be self-propelled or towed behind a vehicle without a special permit required.

Travel Trailer Park/ Recreational Vehicle Park. A unified development under private ownership designed primarily for transient service, on which travel trailers, pick-up coaches, and self-propelled motorized vehicles are parked or situated for short-term occupancy. The owner shall provide park services for utility and sanitary facilities.

Yard. An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, Side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zoning Lot. A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of lot and any legally recorded portion of a lot or a combination of lot and any legally recorded portion of a lot that existed prior to the passage of this Code. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot.

ARTICLE 14. VALIDITY AND REPEAL

14.1 Validity: This Zoning Code and the various parts, sections subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Zoning Code shall not be affected thereby.

The City Council of the City of Bono hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

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