ARTICLE 1
CITATION, PURPOSE, NATURE AND APPLICATION
OF ZONING ORDINANCE

SECTION 1: CITATION

This Ordinance, in pursuance of the authority granted by the General Assembly of the State of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance and may be cited as such.

SECTION 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 West Memphis and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of West Memphis, 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.

SECTION 3: NATURE AND APPLICATION

For the purposes hereinbefore 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 Ordinance, they shall be held to be 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 City 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 Ordinance.

SECTION 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 Ordinance. 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 Ordinance, provided construction is started on said building within 60 days after adoption of this Zoning Ordinance.
SECTION 5: LOT OF RECORD

A lot or parcel of vacant land in any zoning district that was under separate ownership and on a plat of record at the time of adoption of this Zoning Ordinance, where no adjoining land fronting on the same street was under the same ownership on the said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the zoning district. However, any said lot of record located within any residential zoning district within the city limits may only be used for purposes of constructing a single family detached residential dwelling unit. On any such lot or parcel, the side yard requirements of this Ordinance shall be complied with if said requirements do not reduce the net buildable width of the lot below 35 feet. If the side yard requirements would reduce the net buildable width of the lot below 35 feet, then the side yard requirements shall be reduced so that (a) any interior side yard requirement shall not exceed 10% of the width of the lot, or 5 feet, whichever is greater and (b) any exterior side yard requirement shall not exceed 20% of the width of the lot or 5 feet, whichever is greater. On any such lot or parcel, the front and rear yard requirements or building setbacks shall not reduce the net buildable depth of the lot below 50 feet. If the front and rear yard requirements would reduce the net buildable depth below 50 feet, then front and rear yard requirements shall be reduced so that (a) any front yard requirement shall not exceed 25% of the depth of the lot, and (b) any rear yard requirement shall not exceed 20% of the depth of the lot, or 20 feet, whichever is greater.

SECTION 6: AREA NOT TO BE DIMINISHED

The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this Ordinance 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 Ordinance for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in this Ordinance.
ARTICLE II
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

SECTION 1: ZONING DISTRICTS ESTABLISHED

For the purpose of this Zoning Ordinance, the City is hereby divided into land use zoning districts, as follows:

R-1 Single Family Residential District
R-2 Low Density Residential District
R-3 Mobile Home District
R-4 Medium Density Residential District
O-1 Office District
C-1 General Business District
C-1-F General Commercial District - Fireworks
C-2 Open Display Commercial District
I-1 Limited Industrial District
I-1-C Limited Industrial District - Container Storage Yard/Intermodal
I-2 General Industrial District
PUD Planned Unit Development District
PBP Planned Business Park
CV Conservation Zoning District

SECTION 2: ZONING DISTRICTS SECTION MAP

The location and boundaries of the land use zoning districts established by this Ordinance 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 Ordinance 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.

SECTION 3: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center lines of streets, highways and alleys shall be construed as following such center lines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as
following such lot lines.

c) Boundaries indicated as approximately following city limits shall be construed as following city limits.

d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

e) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

(f) In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

SECTION 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.

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 comprehensive city plan, and upon receipt of such recommendations, the City Council may, after public hearings as required by law, establish other district classifications of such annexation; provided, however, that this shall not be construed as preventing the City Planning Commission from holding public hearings prior to annexation and recommending various district classifications at the time of said annexation.

SECTION 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 III
SPECIFIC DISTRICT REGULATION

SECTION 1: RESIDENTIAL DISTRICTS

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 areas. There is herein established four residential zoning districts which include the R-1 Single-Family, R-2 Low Density Residential, R-3 Mobile Home District, and R-4 Medium Density Residential District. The more specific descriptions 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. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. 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.

2. **R-2 Low Density Residential** - 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, two-family, and townhouse 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 Mobile Home District** - This district recognizes a specific housing type which must be accommodated in the City of West Memphis 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.

4. **R-4 Medium Density Residential District** - This is a residential district to provide for
medium density dwellings and includes a wide variety of housing types. The principal 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.

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 (1) the providing of off-street parking in the amount required, (2) conformance to the special conditions applying to certain uses as set forth in Article V, and (3) the providing of adequate subdivision sites for the appropriate and design typed 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 IV.

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. RESIDENTIAL USES</strong></td>
<td>R-1</td>
</tr>
<tr>
<td>Single-Family Detached</td>
<td>X</td>
</tr>
<tr>
<td>Single-Family - Manufactured Home</td>
<td>X</td>
</tr>
<tr>
<td>Single-Family - Zero Lot Lines</td>
<td>X</td>
</tr>
<tr>
<td>Single-Family Attached</td>
<td>X</td>
</tr>
<tr>
<td>Townhouses</td>
<td>X</td>
</tr>
<tr>
<td>Two-Family Dwellings</td>
<td>X</td>
</tr>
<tr>
<td>Multiple-Family Dwellings</td>
<td></td>
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<tr>
<td>Mobile Home - Subdivision</td>
<td></td>
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<tr>
<td>Mobile Homes - Parks</td>
<td></td>
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<tr>
<td>Nursing or Rest Home</td>
<td></td>
</tr>
<tr>
<td>Rooming or Boarding House</td>
<td></td>
</tr>
<tr>
<td>Mini-storage, subject to Article V, section I, paragraph A</td>
<td></td>
</tr>
<tr>
<td><strong>2. COMMUNITY FACILITIES &amp; RELATED USES</strong></td>
<td>R-1</td>
</tr>
<tr>
<td>Use</td>
<td>X</td>
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<tr>
<td>--------------------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Church or Other Place of Worship</td>
<td>X</td>
</tr>
<tr>
<td>Church-Nursery or Day Care</td>
<td>X</td>
</tr>
<tr>
<td>Club or Lodge, Private</td>
<td></td>
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<tr>
<td>Community Building</td>
<td>SP</td>
</tr>
<tr>
<td>Group Shelter</td>
<td>SP</td>
</tr>
<tr>
<td>Hospital, Health Center</td>
<td>SP</td>
</tr>
<tr>
<td>Institution for Aged or Children, Assisted Care Facility, Group Shelter</td>
<td>SP</td>
</tr>
<tr>
<td>Park or Recreational Facility</td>
<td>X</td>
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<tr>
<td>School, Nursery or Day Care for Children, subject to Art. V, Par. D</td>
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<tr>
<td>School, Public or Parochial</td>
<td>SP</td>
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3. OTHER USES

<table>
<thead>
<tr>
<th>Use</th>
<th>X</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Crops, Gardens</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Accessory Uses as defined in Art. X that are accessory to the permitted uses in these districts</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

3. 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.

See Chart 1

SECTION 2: COMMERCIAL DISTRICTS

1. General Description

Commercial zoning districts are intended primarily for the conduct of business and the provision of
services essential to support the residents within the City and the surrounding area. Three separate commercial districts are established to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in West Memphis. These include the O-1 Office District, the C-1 General Commercial District, and the C-2 Open Display Commercial District.

1. **O-1 Office District** - This district is established to accommodate offices and associated administrative, executive and professional uses, together with specified institutional and accessory uses. It is anticipated these office uses will be located in relatively close proximity to apartments and other residential uses; and area regulations are designed to assure that office uses will be compatible with adjacent residential districts. The district is characterized by freestanding buildings and ancillary parking, and should generally be limited to arterial and collector street locations or other carefully selected areas where public utilities, community facilities and other public services are adequate to support general office development.

2. **C-1 General Commercial District** - This district shall be applied to the broad range of retail uses which comprise the commercial function of the City. Permitted uses include most types of retail activity except those involving substantial open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible. Certain retail establishments with outside display shall be allowed by Special Permit as an accessory use to the primary business.

3. **C-1 (F) General Commercial Districts - Fireworks** - This district shall permit all land uses allowed in a C-1 (General Commercial District) as well as accommodate a unique land use situation as specified in the city's Comprehensive Development Plan. It will exist within a larger C-1 (General Commercial District) and will be sized and located so as to limit such uses within the city and to provide ease of access from and return to an Interstate level traffic facility. It is created for the purpose of allowing the sale and storage of fireworks during short, temporary, selling periods during the year. The location of such district(s) shall be based on considerations of the public health, safety and welfare and shall conform to other city ordinances governing the sale of fireworks.

   The sale and storage of fireworks shall be the primary use and shall not be allowed as an accessory use to other businesses.

   No other accessory uses shall be permitted in conjunction with the sale and storage of fireworks.

4. **C-2 Open Display Commercial District** - This district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses are automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments. The district is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. Such uses are not generally compatible with pedestrian oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movements. Appropriate locations for this district are along heavily traveled major traffic arterials.
2. Permitted Uses

The permitted uses in the Commercial Districts are set forth below. Where the letter “X” appears opposite a permitted use and underneath a Commercial Zoning District, the listed use is permitted in that district subject to: (1) the providing of off-street parking in the amount required; (2) conformance to the special conditions applying to certain uses as set forth in Article V; and (3) the providing of off-street loading in accordance with Article VI, section 2. 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 IV.

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>O-1</td>
</tr>
<tr>
<td>Amusement, Commercial</td>
<td></td>
</tr>
<tr>
<td>Auction Room; Auctioneer</td>
<td></td>
</tr>
<tr>
<td>Auction, Auctioneer (inside only)</td>
<td>SP</td>
</tr>
<tr>
<td>Automotive and Truck sales (New and Used) and Service</td>
<td></td>
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<tr>
<td>Automotive Car Wash</td>
<td>X</td>
</tr>
<tr>
<td>Automotive Painting or Body Rebuilding Shop</td>
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<tr>
<td>Auto Repair Garage</td>
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<tr>
<td>Auto Service Station</td>
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</tr>
<tr>
<td>Auto Wrecker Service, subject to Article V</td>
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<tr>
<td>Bank, Savings and Loan</td>
<td>X</td>
</tr>
<tr>
<td>Barber or Beauty Shop</td>
<td>X</td>
</tr>
<tr>
<td>Boat and Marine Rental, Repair, Sales</td>
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<tr>
<td>Alley</td>
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<tr>
<td>Building Supplies, including sale of lumber</td>
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<tr>
<td>Bus Station</td>
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<tr>
<td>Carnival, Circus or Similar Temporary Amusement Enterprise Subject to Article V</td>
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<td>Catering Service</td>
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<td>Christmas Tree Sales - Temporary Subject to Article V</td>
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<td>Service Type</td>
<td>O-2</td>
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<tr>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Clinic, Dental, Medical, or Osteopathic, Chiropodist</td>
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<td>Club or Lodge</td>
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<tr>
<td>Custom Sewing</td>
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<tr>
<td>Dry Cleaners, Laundry</td>
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<tr>
<td>Eating Place - Drive Through</td>
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<tr>
<td>Eating Place, which does not provide service in automobile (with interior</td>
<td></td>
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<tr>
<td>dining facilities only</td>
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</tr>
<tr>
<td>Eating Place providing service in automobile</td>
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<tr>
<td>Exterminator, Pest</td>
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<tr>
<td>Farm Equipment Sales, Service, Repair</td>
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<tr>
<td>Freight Depot or Terminal</td>
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<tr>
<td>Funeral Home, Mortuary or Undertaking Establishment</td>
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</tr>
<tr>
<td>Hauling, Moving or Storage Company</td>
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<tr>
<td>Health Studio or Spa</td>
<td>SP</td>
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<tr>
<td>Home Center</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Interior Decorating Shop</td>
<td>SP</td>
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<tr>
<td>Kennel</td>
<td></td>
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<tr>
<td><strong>COMMERCIAL USES, (CONT.)</strong></td>
<td>O-2</td>
</tr>
</tbody>
</table>

Limited Accessory Use Apartments. Apartments or apartment units that should be considered an accessory to an office or commercial use that should be attached to and have no more floor area than the office or business space, but in no case shall more than two units be allowed per building, office or business location. Require one and one half parking spaces per unit in addition to the required parking for the office or business.

<table>
<thead>
<tr>
<th>Service Type</th>
<th>O-2</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
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<tbody>
<tr>
<td>Liquor Sales, for consumption off the premises</td>
<td>X</td>
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<td>Mini-warehouses</td>
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<tr>
<td>Mobile Home Sales and Service</td>
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<td>X</td>
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<tr>
<td>Commercial Uses</td>
<td>O-1</td>
<td>C-1</td>
<td>C-1-F</td>
<td>C-2</td>
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<tr>
<td>----------------</td>
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<td>-----</td>
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<tr>
<td>Monument Sales</td>
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<td>SP</td>
<td>X</td>
<td></td>
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<tr>
<td>Motel</td>
<td>X</td>
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<tr>
<td>Motorcycle Sales and Service</td>
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<tr>
<td>Newspaper Offices, Print Shop offices: Medical</td>
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<td>X</td>
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<tr>
<td>Office Chiropractic, Dental, Optical, Osteopathic</td>
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<tr>
<td>Offices: Professional and Governmental, Accounting, Architecture, Engineering, Planning, Insurance, Law, Real Estate</td>
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<td>X</td>
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<td>Plumbing, Electrical, Air Conditioning, and Heating Shop</td>
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<tr>
<td>Race Track</td>
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<td>SP</td>
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<tr>
<td>Retail Establishments not listed- with no outside sales or display</td>
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<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>Retail Establishments not listed - with outside sales or display</td>
<td>SP</td>
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<tr>
<td>School, Business</td>
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<td>School, Commercial or Trade</td>
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<td>School, Nursery or Day Care Center</td>
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<td>Shoe Sales and Repair</td>
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<td>Sign, subject to Article V, Section 15</td>
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COMMERCIAL USES, (CONT.)

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<tr>
<th>Commercial Uses</th>
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<th>C-1</th>
<th>C-1-F</th>
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<tbody>
<tr>
<td>Studio, Photographic, Musical</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Theater, Indoor</td>
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<td></td>
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<tr>
<td>Tire Recapping</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
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<tr>
<td>Tool and Equipment Rental</td>
<td>SP</td>
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<td>X</td>
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<td>Travel Bureau</td>
<td>X</td>
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<tr>
<td>Truck Stop and Travel Center, or Truck Parking</td>
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<td>Veterinarian, Office Only</td>
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<td>Warehousing, Inside Storage Only</td>
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<tr>
<td>Wholesale Establishment</td>
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2. **INDUSTRIAL USES**

<table>
<thead>
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<th>Activity</th>
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<th>C-1-F</th>
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<tbody>
<tr>
<td>Advertising Displays, Sign Printing</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Baked Goods, Candy, Bread, Dairy and Ice Cream Manufacturing</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Beverages, Non-alcoholic, Manufacturing</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Book Binding</td>
<td></td>
<td>SP</td>
<td>SP</td>
<td>X</td>
</tr>
<tr>
<td>Bottling Works, All Beverages</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Carpentry, Custom Wood Working or Furniture Making</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Clothing: Custom Manufacturing or Altering for Retail,</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Including Tailoring</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Custom Ceramic Products, Manufacturing</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Printing or Publishing, Including Engraving or Photo-</td>
<td></td>
<td>SP</td>
<td>SP</td>
<td>X</td>
</tr>
<tr>
<td>Engraving</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheet Metal Shop</td>
<td></td>
<td></td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Tire Recapping</td>
<td></td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
</tbody>
</table>

3. **COMMUNITY FACILITIES AND PUBLIC UTILITIES**

<table>
<thead>
<tr>
<th>Facility</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art Gallery or Museum</td>
<td>X</td>
<td>X</td>
<td>SP</td>
<td>X</td>
</tr>
</tbody>
</table>

3. **COMMUNITY FACILITIES AND PUBLIC UTILITIES, (CONT.)**

<table>
<thead>
<tr>
<th>Facility</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium</td>
<td>SP</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Church or Other Place of Worship</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community Building</td>
<td>SP</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Highway or Street Maintenance Garage, Yard of Similar Facility</td>
<td></td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>Hospital, Health Center, Institution for Aged or Children,</td>
<td>SP</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Assisted Care Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Post Office</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Stadium, Arena or Similar Facility</td>
<td>SP</td>
<td>SP</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
### 4. Residential Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Dwellings as per R-4 District Requirements</td>
<td></td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Nursing or Convalescent Home</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Travel Trailer Park</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### 5. Agricultural Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>O-1</th>
<th>C-1</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal and Poultry Husbandry, Dairying and Pasturage, but not including the keeping or feeding of swine</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Field Crops, Floriculture, Greenhouse, Horticulture, Truck Gardening</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nursery, Plants and Stock, Outdoor Retail Sales</td>
<td>SP</td>
<td>SP</td>
<td>X</td>
</tr>
</tbody>
</table>

### 6. Other Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>All uses as defined in Article X that are accessory to the permitted uses in the Commercial Districts</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

### Other Uses, (Cont.)

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Barber or Beauty Shop</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Book or Stationery Store</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drugstore or Pharmacy</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplication Shop</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florist Shop</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photography Studio</td>
<td>Acc</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. **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 tables. 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.

### ZONING DISTRICT

<table>
<thead>
<tr>
<th>Lot Regulations</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (Sq. Ft.)</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Minimum Lot Width at Building Line (feet)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Maximum Lot Coverage (%)</td>
<td>40</td>
<td>50</td>
<td>50</td>
<td>40</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yard Regulations (in feet) (1)</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>25</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Frontage Lot</td>
<td>20</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
</tbody>
</table>

(Yard Regulations Cont.)

<table>
<thead>
<tr>
<th>Yard Regulations (Cont.)</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>When abutting property in Residential District</td>
<td>20</td>
<td>12</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>When abutting property in Nonresidential District</td>
<td>10</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>Exterior</td>
<td>20</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height Regulations (1)</th>
<th>O-1</th>
<th>C-1</th>
<th>C-1-F</th>
<th>C-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number of Feet</td>
<td>24</td>
<td>36</td>
<td>36</td>
<td>36</td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

**NOTE:** (a) A building or structure may exceed the maximum heights shown provided each of it’s front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.
D. Development Criteria

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

1. **All Commercial Districts**

   a. Any lighting shall be placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level or noise, odor, or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.

2. All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened by a site-proof fence.

3. All of the lot used for the parking of vehicles or for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article VI, Section 1.

2. **Additional Criteria in 0-1 Office District**

   A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of any fence, wall or other durable opaque barrier shall be not less than 5 feet, and not more than 6 feet tall.

3. **Additional Criteria in C-1 General Commercial District**

   All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half of the facade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours. In addition, any Special Use Permit Accessory Use with outdoor display of merchandise will be allowed as long as said display of merchandise is stored inside the building after normal working hours. No required parking can be used for outside display and access ways cannot be blocked.

4. **Additional Criteria in C-2 Open Display District**

   1. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

   2. No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines
of a building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the “C-2" - Open Display District:

1) The height of any opaque screening fence or wall shall not be less than 6 feet.

2) Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise which is ready for sale.

3) No permanent open display will be permitted on sidewalks or public right-of-way.

4) Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half of the facade area of the front of the building.

SECTION 3: INDUSTRIAL DISTRICTS

1. General Description

The industrial zoning districts are intended to provide for the development of light to heavy industrial uses and their related facilities. Appropriate standards for the various districts are designed to assure compatibility with other similar uses and to ameliorate any conflicts with non-industrial uses located in close proximity to the industrial use. The Zoning Ordinance hereby establishes 2 industrial zoning districts to be known as the I-1 Limited Industrial District and the I-2 General Industrial District.

1. I-1, Light Industrial - As this industrial district is often located in proximity to residential districts, its principal purpose is to permit the operation of industries, trades, and services that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Thus, it is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesaling, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping.

1.a. I-1-C, Limited Industrial - Container Storage Yard, Intermodal - This district shall permit all land uses allowed in a I-1, Limited Industrial District, as well as accommodate a unique land use situation as specified in the city's Comprehensive Development Plan. It will exist within a larger I-1 Limited Industrial District and will be sized and located so as to limit such uses within the city and provide access from and return to an Interstate level traffic facility. It is created for the purpose of allowing the
storage of shipping containers that have the capability of being stacked. The location of such district(s) shall be based on considerations of public health, safety and welfare and shall conform to other city ordinances.

The storage of shipping containers shall be the primary use and shall not be allowed as an accessory use to other businesses.

Storage of hazardous materials shall not be permitted.

2. **I-2, General Industrial** - This district allows for heavier or more intense industrial uses than permitted in the I-1, Light Industrial Zoning District. The regulations for the I-2 District are the minimum required for mutual protection of the industrial users and for the safety and general welfare of the citizens of West Memphis and of surrounding districts.

2.a **I-2-C, General Industrial - Intermodal Container Storage Yard** - This district shall permit all land uses allowed in a I-2, General Industrial District and will be sized and located to limit such uses within the city and provide access via a principal and/or minor arterial or industrial collector street as classified by the West Memphis-Marion Area Transportation Plan and/or by the West Memphis Planning Commission and approved by the City as a designated truck route for a particular approved site. It is created for the purpose of allowing the storage of shipping containers that have the capability of being stacked. The location of such district(s) shall be based on considerations of public health, safety and welfare and shall conform to all other applicable city ordinances and regulations.

3. **“PBP”, Planned Business Park District** - The purpose of the Planned Business Park District is to foster stability and growth in light industry, research and development and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The Planned Business Park District targets relatively large contiguous land areas that can be developed according to a unified plan in a high quality, campus-like setting rather than on a lot-by-lot basis. The uses and standards in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, engage the natural or scenic qualities of the environment and protect the public health and safety. The minimum areas for a “PBP” Planned Business Park Designation shall be 25 acres. In calculating the minimum area for a PBP District, the measurements shall include the quality and attractiveness of business parks in the community, engage the natural or scenic qualities of the environment and protect the public health and safety. The minimum areas for a "PBP" Planned Business Park Designation shall be 25 acres. In calculating the minimum area for a PBP District, the measurements shall include the area of all dedicated streets entirely within the boundary of the proposed PBP and one-half of the area of all boundary or perimeter streets.
2. Permitted Uses

The permitted uses in the industrial districts are set forth below. Where the letter “X” appears opposite a permitted use and underneath an industrial zoning district, the use is permitted in that district subject to (1) the providing of off-street parking in the amount required, (2) conformance to the development criteria applying to uses as set forth in this section, and (3) the providing of off-street loading in accordance with Article VI. Where letters “SP” appear instead of “X”, this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV.

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>PERMITTED USES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. INDUSTRIAL USES</strong></td>
<td><strong>I-1</strong></td>
</tr>
<tr>
<td><strong>(a) MANUFACTURING USES</strong></td>
<td></td>
</tr>
<tr>
<td>Advertising Displays</td>
<td>X</td>
</tr>
<tr>
<td>Air Conditioning and Heating Equipment</td>
<td>X</td>
</tr>
<tr>
<td>Apparel or Other Textile Products Including Hats and Hosiery</td>
<td>X</td>
</tr>
<tr>
<td>Asphalt or Asphalt Products</td>
<td>SP</td>
</tr>
<tr>
<td>Automobiles, Trucks or Trailers, Mobile Homes</td>
<td>X</td>
</tr>
<tr>
<td>Boats, Building or Repair</td>
<td>X</td>
</tr>
<tr>
<td>Bottling Works</td>
<td>X</td>
</tr>
<tr>
<td>Carpentry, Woodworking, or Furniture Working</td>
<td>X</td>
</tr>
<tr>
<td>Cement, Lime or Plaster-of-Paris</td>
<td>SP</td>
</tr>
<tr>
<td>Ceramic Products - Brick, Tile, Clay, Glass, Porcelain</td>
<td>SP</td>
</tr>
<tr>
<td>Chemicals, Compounding or Packaging</td>
<td>SP</td>
</tr>
<tr>
<td>Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products</td>
<td>X</td>
</tr>
<tr>
<td>Cotton Ginning or Processing</td>
<td>X</td>
</tr>
<tr>
<td><strong>(a) MANUFACTURING USES, (CONT.)</strong></td>
<td><strong>I-1</strong></td>
</tr>
<tr>
<td>Electrical Appliances, Equipment and Supplies</td>
<td>X</td>
</tr>
<tr>
<td>Fertilizers</td>
<td>SP</td>
</tr>
<tr>
<td>Food Products, including dairy products, bakery</td>
<td>SP</td>
</tr>
</tbody>
</table>
products, candy, fruit and vegetable processing and canning, packing and processing of meat and poultry, but not including and distilling of beverages, slaughtering of animals or poultry, or manufacture of vinegar or pickles.

<table>
<thead>
<tr>
<th>Description</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food products, including slaughtering of animals and poultry or manufacture of vinegar or pickles.</td>
<td>SP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grain, Milling, or Processing</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Hair, Felt, Feather, or Leather Products</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ice, Dry or Natural</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Industrial Uses Not Listed</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>Jewelry</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Machines, Machine Tools</td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>Mattresses, including rebuilding or renovating</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Monument Works</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Orthopedic or Medical Supplies</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Paint, Enamel, Lacquer, Turpentine, Varnish</td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>Paper Manufacturing or Processing</td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>Plastic Products, including luggage, tableware, buttons, or similar products</td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>Printing and Publishing, including Engraving or Photoengraving</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Rubber Products, Natural or Synthetic</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Steel Products, Fabrication and Assembly</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Stone and Gravel Processing, or Products</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Tar or Tar Products, Creosoting, or Similar Processes</td>
<td></td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>(a) MANUFACTURING USES (CONT.)</td>
<td>I-1</td>
<td>I-2</td>
<td>PBP</td>
</tr>
<tr>
<td>Wood or Lumber Processing, including the manufacture of paper pulp, furniture, or similar products</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
(b) NON-MANUFACTURING USES

<table>
<thead>
<tr>
<th>Activity</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Hospital, Kennel, Pound or Shelter</td>
<td>SP</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Appliance Repair</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Automobile Wrecking, Salvage, or Junkyard</td>
<td>SP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Wrecker Service, subject to Article V</td>
<td>SP</td>
<td>SP</td>
<td></td>
</tr>
<tr>
<td>Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster</td>
<td>SP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Sites without Heavy Equipment or Material Storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Construction Office/Building, Equipment Repair, Sales, or Contractor Storage Yard</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Extraction of Clay, Gravel, Quarrying of Rock</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gases or Liquids, Flammable, Storage of</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grain Elevator</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory, Research or Testing</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Light Fabrication and Assembly Process</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Livestock Auction Sales Barn and Pens</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machine or Welding Shop</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Petroleum Products Storage</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plumbing, Electrical, Air Conditioning and Heating Shop</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>School, Commercial or Trade</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sheet Metal Shop</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Truck Stop and Travel Center, or Truck Parking</td>
<td>SP</td>
<td>SP</td>
<td></td>
</tr>
</tbody>
</table>

2. COMMERCIAL USES

<table>
<thead>
<tr>
<th>Activity</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auction Room, Auctioneer</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Business Type</td>
<td>I-1</td>
<td>I-2</td>
<td>PBP</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Automobile Accessory and Supply Store</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Automobile Bus or Truck-Painting, Repair, Service, or Body Shop</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Automobile Sales, New and Used</td>
<td>X</td>
<td>X</td>
<td>SP</td>
</tr>
<tr>
<td>Banks or Similar Financial Institutions</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Beauty, or Barber Shop</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Materials and Supplies, Including Sales of Lumber</td>
<td>X</td>
<td>X</td>
<td>SP</td>
</tr>
<tr>
<td>Boats, Repair</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cold Storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Day Care Center, Subject to Art. V, Sec. 5</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Eating Place</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Farm Equipment Sales, Service, Repairs</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Feed and Fertilizer Sales</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Freight Depot, Railroad, Truck or Barge</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hardware</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hardware, Industrial Sales</td>
<td>X</td>
<td>X</td>
<td>SP</td>
</tr>
<tr>
<td>Hotel or Motel</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Laundry Plant</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Offices, Medical and Professional</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Office Warehouse</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Mobile Homes, Sales and Service</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Personal Service Establishments including Health and Fitness centers, primarily intended to serve businesses in the I-1 and PBP Districts.</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Race Track</td>
<td>SP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Tool and Equipment Rental</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**2. COMMERCIAL USES (CONT.)**

<table>
<thead>
<tr>
<th>Zone</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>I-1</td>
<td>I-2</td>
<td>PBP</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>Sexually Oriented Business/Adult Entertainment (Footnotes)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire Recapping Shop</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tool and Equipment Rental</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Warehousing and Storage</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wholesale Establishment</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>3. COMMUNITY FACILITIES AND PUBLIC UTILITIES</strong></td>
<td>I-1</td>
<td>I-2</td>
<td>PBP</td>
</tr>
<tr>
<td>Club or Lodge</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community Building</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Electrical Substation</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Gas Regulator Station</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Golf Course, including commercially-operated driving range or miniature golf course</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hospital, Health Center, Institution for Aged or Children, Assisted Care Facility</td>
<td>SP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Office</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>State Garage, Yard or Similar Facility</td>
<td>SP</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Telephone Exchange, Shop, or Garage</td>
<td>SP</td>
<td></td>
<td>SP</td>
</tr>
<tr>
<td><strong>4. AGRICULTURAL USES</strong></td>
<td>I-1</td>
<td>I-2</td>
<td>PBP</td>
</tr>
<tr>
<td>Animal and Poultry Husbandry, Dairying or Pasturage</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Field Crops, Floriculture, Greenhouse, Horticulture, Nursery, Truck Gardening</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>5. OTHER USES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All accessory uses as defined in Article X that are accessory to any permitted use in these districts</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
5. OTHER USES (CONT.)

<table>
<thead>
<tr>
<th>Dwelling for Resident Security Guard or Caretakers employed on the premises</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

FOOTNOTES:

1.) Sexually Oriented Business/Adult Entertainment enterprises shall be at least 1000 feet from any school, church, hospital, park, governmental building open to the public, or residence. The spacing requirement will be measured from the nearest part of the premises where a Sexually Oriented Business is conducted to:

a) the nearest property line of the premises of any school, church, hospital, park, or government building open to the public;

b) the nearest point of any residential structure.

3. Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage to be exceeded for such district.

<table>
<thead>
<tr>
<th>PERMITTED</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (Square Feet)</td>
<td>I-1</td>
</tr>
<tr>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>Minimum Lot Width at Building Line (Feet)</td>
<td>100</td>
</tr>
<tr>
<td>Maximum Lot Coverage (Percent)</td>
<td>50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>YARD REGULATIONS (in Feet)</th>
<th>I-1</th>
<th>I-2</th>
<th>PBP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abutting a Street Right-of-Way</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Across street from residential district</td>
<td>30</td>
<td>50</td>
<td>30</td>
</tr>
<tr>
<td>Across from nonresidential district</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Abutting Other Property Lines (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abutting a residential district</td>
<td>30</td>
<td>40</td>
<td>30</td>
</tr>
</tbody>
</table>
### Heights Regulations (2)

<table>
<thead>
<tr>
<th></th>
<th>36</th>
<th>75</th>
<th>36</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number of Feet</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Number of Stories</strong></td>
<td>3</td>
<td>6 ½</td>
<td>3</td>
</tr>
</tbody>
</table>

**NOTE:**

(a) Where property abuts a railroad where siding facilities are utilized, structures may be built up to railroad property lines.

(b) A building or structure may exceed the maximum heights shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.

### Development Criteria

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

#### 1. All I-1 and I-2 Districts

1. Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor, or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

2. Outdoor storage of trash receptacles shall be at the sides or rear of the site and shall be totally encircled or screened by a site-proof fence, planting or other suitable visual barrier.

3. A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than 6 feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.

4. No loading or storage of material shall be permitted in the required front yard.

#### 2. Additional Criteria in I-1 Industrial District

1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the “I-1” - Industrial District:

   1) The height of any opaque screening fence or wall shall not be less than 6 feet.

   2) Automobile, bus, truck, tractor, mobile home, boat or motorcycle, and wheeled
and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.

3) Other business uses shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half of the facade area of the front of the building.

3. Additional Criteria in PBP Planned Business Park Districts

1. Common Open Space Requirements

1. A minimum of 10% of the gross land area within a PBP District shall be set aside as common open space to provide for open space, landscaping and recreation for employees and visitors.

2. “Gross land areas” shall not include parking areas, driveways, or other impervious surfaces that are not usable for the activities described in subsection 3, below.

3. Required open space shall be usable for landscaping and active recreational activities. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, or other recreational or landscaping amenities.

2. Ownership and Maintenance of Common Elements

1. Common elements, such as undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers, shall be either:
   
   a). Maintained by the owner of the planned business park, pursuant to a maintenance agreement approved by the City Attorney; or
   
   b). Conveyed to and maintained by a common owner or property owners’ association, pursuant to covenants or a maintenance agreement approved by the City Attorney; or
   
   c). Conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures or improvements located within it.

2. If common elements are to be maintained by a property owners’ association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance with these district regulations, but will not be reviewed as to form, legality or methods of enforcement. Those covenants must, at a minimum:
a). create a property owners’ association;

b). provide for the maintenance of individual sites, common areas, open spaces and private streets; and

c). provide for minimum development and operational standards for each site which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer.

c. Off-Street Parking

Off-street parking and loading space requirements subject to Article VI.

3. Screening Requirements

Refuse containers, dumpsters, rooftop and outdoor HVAC equipment shall be screened with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened.

4. Outdoor Storage

Outdoor storage areas may be permitted as an accessory use on an individual lot within a planned business park, provided that such storage is completely screened from adjoining uses within and outside the park as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all of part of the screening. Access through the screening for vehicles is permitted, but is limited to one 30 foot wide location per street within any required setback or yard. In no event may the amount of land area devoted to outside storage exceed 20% of an individual lot area.

5. Landscaping Requirements

1. Street trees shall be planted along all public and private streets within and adjoining any Planned Business Park.

2. Perimeter landscaping and parking lot landscaping are required subject to review and approval by the West Memphis Design Review Commission.

g. Undergrounding of Utility Lines

All utility lines such as electric, telephone, CATV, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.
h. **Access and Traffic Considerations**

1. Planned business parks should be accessible from one or more major roads as designated in the comprehensive plan, transportation plan. Planned business parks should provide at least one distinctive main gateway entrance to the park. Access to the park shall be designed to discourage outside through traffic.

0. Curb cuts providing access to major streets shall be spaced a minimum of 100 feet from any other curb cut.

1. Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required.

2. The street circulation system serving a PBP shall be internally oriented.

1. **Sign Regulations**

1. The general sign ordinance of the City of West Memphis shall apply to PBP Districts in addition to the following special standards.

2. All signs within the PBP District shall be either:

   a). wall-signs; or

   b). ground monument signs, not exceeding 6 feet in height and landscaped with at least 2 evergreen shrubs for each sign face (see following illustration.)

3. Maximum number: one ground sign at each entrance to the park, one ground sign for individual uses within the park, and any number of signs needed to provide directions, identify parking areas or aid in the safe and efficient traffic circulation within the park.

4. Maximum gross surface area of individual signs: 75 square feet.

5. The following sign types shall be prohibited within a PBP District: pole signs, portable signs, roof signs, flashing signs, banners, streamers and other attention-getting devices.

6. A uniform sign plan shall be submitted and approved for each planned business park. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of
different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings which the signs serve.

10. Architectural Design Guidelines

1. Building within a PBP District should conform to a uniform architectural style.

2. Construction and Appearance: (1) No building shall be constructed with wood framing; (2) the exterior walls shall be finished with brick, block, stone, glass, preformed and prefinished metal building panel system (minimum 26 gauge metal panel, interlocking panels, insulated to a minimum insulation value of R-10, and exterior hidden fasteners) precast concrete or tilt wall standard to be set with equivalent or better materials, allowed subject to the West Memphis Design Review Commission approval of equivalent materials; (3) Metal buildings shall integrate stone, block, face brick, precast concrete, or tilt up concrete into building facades facing a public right-of-way.

3. The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the project street frontage. Special attention should be paid to signage, landscaping street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.

11. Preliminary and final site plan review in proposed PBP district

1. A preliminary site plan and text presenting the following information shall be submitted to the Planning Commission for review.

   1. A site plan, drawn to scale of not less than 200 feet to the inch, including the following information:

      1. A survey showing the property boundary lines and dimension; the gross land area of the site; available utilities; easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property;

      2. Natural conditions, including the general location and extent of tree cover; location and extent of water courses, marshes and flood plains within the subject property; existing natural drainage patterns;

      3. A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
4. The general location, yard dimensions and maximum number of lots or sites to be developed or occupied by buildings in the planned business park;

5. The location, dimensions and number of all circulation elements, including streets, roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles, sidewalks, walkways, including slopes and gradient of streets and driveways;

6. General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;

7. The location of all existing and proposed surface and subsurface drainage facilities;

8. The location, size and arrangement of all outdoor signs and lighting;

9. The location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;

10. The location and total area of common open space and the proposed uses of such open space;

2. The Planning Commission shall study the preliminary site plan and supporting data and may make suggestions for changes and adjustments. After the commission approves the preliminary plan it shall submit this to the City Council. Whenever the governing authority approves the preliminary plan and supporting material, one copy shall be filed in the office of the commission and one copy shall be given to the owner for their review and approval.

3. Upon receipt of the approved preliminary plan, the owner may proceed with final plans and specifications for all or for any portion of the project that is agreed upon. The final plans and specifications shall be reviewed and approved by the commission and transmitted to the City Council for approval. Upon approval by the governing authority, one copy shall be filed in the Planning Commission office. No building permit shall be issued until a final plan of the proposed development, or portion thereof is approved, and filed in the Planning Commission Records along with the approved subdivision plat.

12. Effect of site plan approval

Approval of a site plan under subsections (j), above shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and other permits and approvals required under the
Subdivision Code and the Building Code.

m. **Period of Validity**

If construction of the planned business park is not started within two years of the date of final site plan approval, the governing authority may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the timetable may seek an extension of not more than one year at a time. A request for extension shall be submitted in writing to the Planning Commission.

n. **Amendment to approved site plan**

A site plan shall be amended in accordance with the procedures and standards which governed its approval, except for minor deviations, including but not limited to:

1. A less than 5% increase in the floor area;
2. A less than 10% decrease in required parking spaces or common open space;
3. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for:
   1. Less than 25 feet for site plans of less than 2 acres;
   2. Less than 50 feet for site plans of 2 to 8 acres;
   3. Less than 100 feet for site plans of 8 to 20 acres;
   4. Less than 150 feet for site plans of more than 20 acres; or
4. The correction of drafting errors on the approved site plan.

SECTION 4: PLANNED UNIT DEVELOPMENT

1. **Statement of Purpose**

It is the intent of this Section to encourage developments with superior living environments brought about through unified development and to provide for the application of design ingenuity in such developments while protecting existing and future surrounding areas in achieving the goals of the Comprehensive Plan for Development of the City of West Memphis, Arkansas. The “PUD” Planned Unit Development District herein established is intended to provide for greater flexibility in the design of buildings, yards, courts, circulation and open space than would otherwise be possible through the strict application of other district regulations, and to produce:

1. A maximum choice in the types of environment and living units available to the public;
2. Open space and recreation areas;

3. A pattern of development which preserves natural features and prevents soil erosion;

4. A creative approach to the use of land and related physical development;

5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs; and

6. An environment of stable character in harmony with the surrounding development.

The “PUD” Planned Unit Development Regulations are designed to provide for small- and large-scale developments incorporating a single type or a variety of residential, commercial, and related uses which are planned and developed as a unit. Such developments may consist of individual lots or may have common building sites. Private or public common land and open space must be an essential and major element of the Plan which is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character and harmony with surrounding development.

2. Standards of Development

1. Ownership Control

The land in a Planned Unit Development District shall be owned, leased, or otherwise controlled by a person, firm, group or individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the project can be successfully completed.

2. Minimum District Area

The minimum area for a “PUD” Planned Unit Development District shall be 2 acres. In calculating the minimum area for a PUD District, the measurements shall include the area of all dedicated streets entirely within the boundary of the proposed PUD and one-half of the area of all boundary or perimeter streets.

3. Uses Permitted

In order to increase creativity and flexibility in the development of areas suitable for a Planned Unit Development, there are no specifically prescribed uses which are permitted within the boundaries of a Planned Unit Development. The developer shall be responsible for preparation of a list of permitted uses within the specific Planned Unit Development requested. The development of the list shall take into account the nature and purpose of the Planned Unit Development area, and such uses and locations shall be appropriate in order to protect and be in harmony with surrounding development. At the time of the Pre-Application plan and conference, the applicant shall generally describe the nature and types of land uses to be located
within the boundaries of the PUD District. At the time of zoning application and consideration of the preliminary plat, a specific written list of uses to be “permitted by right” shall be submitted for review by the Planning Commission. Following approval by the Planning Commission and City Council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.

In addition to the above permitted uses that are established by right, certain other uses may be prescribed by the developer in accordance with the restrictions included herein and said uses are designated as special permit uses. These uses more intensely dominate the area in which they are located than do other uses which might be permitted in the PUD District and, as such, they require special considerations and restrictions. If the developer and/or Planning Commission agree that certain special permit uses should be included within the PUD District, the applicant shall precisely indicate the specific use, its location, area to be included, maximum building square footage, and such other information as required by the Planning Commission to properly and comprehensively evaluate the nature and impact of such special permit uses. When such special permit uses are approved at the time of rezoning, they shall not be subsequently changed to any other use until and unless they are changed to another use that is permitted by right, or the new proposed use if not permitted by right in a PUD District is resubmitted for rezoning approval.

4. Parking and Off-Street Loading

All uses established within a Planned Unit Development District shall comply with the off-street parking and loading requirements as established in Article VI. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located or upon adjacent property which is under the control or a Property Owners’ Association to which said lot is an automatic participant. In no case, however, shall the cumulative requirements for all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the City.

5. Perimeter Requirement

In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD District or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.

6. Residential Density Standards

The maximum number of dwelling units permitted within a PUD District is dependent upon both the type and number of each type of residential units intended to be included in the PUD District. Micro densities within certain areas of the PUD may be beyond the overall limits
through a transfer of density. However, overall project densities shall not be exceeded in accordance with the following schedule:

1. 6 dwelling units per net residential acre for single-family attached and detached houses and two-family dwellings.

2. 12 dwelling units per net residential acre for triplexes, fourplexes, and row or terrace housing.

3. 18 dwelling units per net residential acre for low-rise (3 stories or less) apartments.

4. 24 dwelling units per net residential acre for high-rise (4 stories or more) apartments.

For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-way, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a Property Owners’ Association shall be included in calculating the net residential area available for all dwelling units that automatically belong to such an association. Where more than one Property Owners’ Association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

4. Open Space Requirements

Common open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements. Open space should be distributed more or less equitably throughout the PUD District in relationship to the dwelling units and other use areas that are intended to be served by the common open space. Adequate guarantees must be provided that the common open space areas as contained in the Plan for the PUD District are preserved and maintained for those purposes only. A Property Owners’ Association shall be required, if other arrangements satisfactory to the Planning Commission have not been made, for improving, operating and maintaining all such common open space areas. At the time the final plan and plat is submitted, the Articles of Incorporation and Bylaws of the Property Owners’ Association shall be reviewed and approved by the Planning Commission. Additionally, the restrictive covenants which run with the land must be submitted and include similar provisions to preserve all open space areas.

3. Procedures for Obtaining PUD Zoning

A 3 step review procedure is required for obtaining PUD zoning and final approval of the final plan and plat. The first step involves a Pre-Application Plan and Conference which is designed to provide information to the local government of the developer’s intention with respect to the nature and scope of the proposed PUD District and to allow the developer to be informed of the City’s regulations and policies concerning development alternatives for the area. The second
step involves submission of a formal application for rezoning of the area to a PUD District and simultaneous submission of a preliminary plat in accordance with the West Memphis Subdivision Regulations. The last step involves submission of the final development plan and plat for approval and recording prior to commencing building construction. These steps are outlined as follows with respect to the procedure followed and submission requirements at each step.

1. **Pre-Application Plan and Conference**

   1. **Procedure**

   1) A Pre-Application Plan shall be submitted to the West Memphis Planning Commission for review of the area and proposed uses relative to the compatibility of a Planned Unit Development project with existing development in the surrounding area and the Comprehensive Development Plan of the City.

   2) Each applicant shall confer with the Building Inspector and other interested department heads in connection with the preparation of the Planned Unit Development Application. It shall be the responsibility of the Building Inspector to contact and invite interested department heads and other parties to a joint meeting. The general outlines of the proposal, evidenced schematically by the Pre-Application Plan and such other information as may be desired, are to be considered before submission of the Planned Unit Development Application.

   3) Upon review of the site plan and general area, and following completion of the Pre-Application Conference, the Building Inspector shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the Planned Unit Development Application.

2. **Submission Requirements**

   At the time of requesting a Pre-Application Conference, the applicant shall submit a site plan and such other narrative or graphic information the applicant deems pertinent to the City’s initial review and evaluation of the potential of the Planned Unit Development District proposed. The Pre-Application Plan shall include the following:

   1) Boundaries of the property involved;

   2) Existing zoning of the area and zoning of adjoining properties;

   3) Existing roadways, easements, and waterways;
4) Indication of availability of all utilities;

5) General plan of development at a level of detail sufficient to indicate to the City the nature and scope of the project as to its magnitude in terms of approximate number and types of dwelling units, location and extent of nonresidential elements, proposed locations of major open space areas, and major circulation facilities.

2. *Zoning Application and Preliminary Plat*

After receiving written comments following the Pre-Application Conference, the applicant may proceed in preparing a formal Application for a Planned Unit Development to the West Memphis Planning Commission. The Application shall consist of a simultaneous submission of a preliminary plat and a rezoning application. The preliminary plat shall conform to all requirements contained in the West Memphis Subdivision Regulations with the exception of certain design requirements regarding lot, setbacks, etc. that are specifically exempted or modified by provisions of this Ordinance. The Application shall be processed following the procedure for a change of zone district boundary as contained in Article IX.

1. **Submission Requirements**

   The applicant shall simultaneously submit both a preliminary plat with a rezoning application. The preliminary plat shall be prepared in a manner as prescribed in the West Memphis Subdivision Regulations. To form the basis for the rezoning application, a preliminary site plan shall be submitted and it shall include at least the following information:

1) Proposed title of the project and name of any engineer, architect, land planner, landscape architect, or company responsible for various elements of the Plan.

2) North Point, graphic scale, and date.

3) Boundaries of the properties involved, all existing easements, section lines and property lines, existing streets, existing buildings, water courses, waterways or lakes, and other existing physical features in and adjoining the project.

4) Location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in and adjacent to the project.

5) Topography of the project area with appropriate contour intervals.
6) General Land Use Development Plan of the area indicating the location of different land uses, dwellings by types and numbers, areas designated for commercial uses and other nonresidential uses, and areas proposed for open space and recreational use. For all residential areas, the site plan shall clearly indicate the type and number of dwellings to be located per parcel, lot, or block in accordance with the preliminary plat. For all commercial or other nonresidential uses, the areas shall clearly be indicated in accordance with lots, parcels, or blocks and each such parcel shall indicate the type building proposed, number of stories, and gross square footage to be included on each parcel. The boundaries of all open space areas shall be clearly indicated along with the form of proposed ownership, that is by Property Owners’ Association or public park or other legal entity, and in such case where more than one Property Owners’ Association is being created, documentation shall be clearly submitted as to which areas will have automatic membership into said associations. This requirement, however shall not be interpreted as requiring a detailed site development plan which includes the exact boundaries and locations of all structures proposed for construction.

7) All setback lines for all properties shall be shown.

8) If the project is to be developed in more than one phase, the boundaries of each proposed phase shall be clearly indicated on the site plan map.

9) Calculations shall be submitted of the total number of gross acres in the project, and the acres and percentages thereof, proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, streets, parks, schools, and other reservations.

10) Tabulation of the total number of dwelling units by various types in the project and the total number of net residential acres within the project. The tabulations shall so indicate conformance of the proposed project or each phase within the project to the residential density standards for the PUD District.

3. **Final Plan and Plat**

Upon approval of the rezoning request by the City Council, the applicant may proceed with the preparation of the final plan and plat. The final plat shall meet all applicable requirements of the West Memphis Subdivision Regulations and shall be processed in
accordance with those Regulations. The applicant shall submit a written and graphic
description of any modifications made to the final plan from the approved preliminary plan.

If it is determined that no changes have been made from the preliminary plan, or if only
minor plan changes have been made in accordance with the definition provided herein
below, then the review by the West Memphis Planning Commission may proceed and
the plat may be submitted to the Planning Commission for approval. If approved, the
plat shall be filed in the County Recorder’s office.

4. Amendments

Amendments may be required either to the preliminary site plan or the final development plan.
The procedure governing the disposition of amendments shall be as follows:

1. Amendments to the Preliminary Plan

At the time a final plan is submitted for review, it shall be determined whether or not
any amendments have been made to the approved preliminary plan. If amendments
have been made, then a determination shall be required as to whether or not said
amendments constitute a major or minor plan change. Modifications from the
previously approved preliminary plan shall be deemed to be minor plan changes if any
and all modifications by the applicant of the plan do not:

1. Vary the total number of dwelling units by more than 5%;
2. Involve a reduction of the area set aside for common open space nor the
   substantial relocation of such area or areas;
3. Increase by more than 5% of the total floor area proposed for any nonresidential
   use; and
4. Does not substantially change the location of any nonresidential areas as shown
   on the preliminary plan.

Additionally, modifications in the location or design of minor streets, cul-de-sacs,
alleys, or facilities for water and for disposal of storm water and sanitary sewage shall
not be considered as major modifications.

All other changes in the Planned Unit, including changes in the site plan and
development schedule, must be made under the procedures that are applicable to the
initial approval of a Planned Unit Development Project.

2. Amendments to the Final Development Plan

The final development plan as submitted and approved may be amended in accordance
with the following procedure. Minor changes may be authorized by the Building Inspector in such cases where changes are required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized by the Building Inspector under this section, however may either increase the total area devoted to any and all non-residential uses, or decrease the amount of area devoted to common open space or increase the total number of dwelling units located on any lot, block, or parcel as approved in the final development plan. Notwithstanding any of these conditions, the Building Inspector may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance. All other changes in the Planned Unit, including changes in the site plan or the development schedule, must be made under the procedures that are applicable to the initial approval of a Planned Unit Development.

5. **Administration and Enforcement**

1. **Review Standards**

   The Planning Commission shall investigate and ascertain that the plans for a Planned Unit Development meet the following conditions:

   1. That the tract of land for the entire project comprises not less than 2 acres.
   2. That the project is in conformity with the requirements and standards of development of the Planned Unit Development District and is consistent with the intent and purpose of this section.
   3. That the proposed project constitutes an environment of sustained desirability and stability, and that it is in harmony with the character of the surrounding neighborhood.
   4. That the property adjacent to the proposed development will not be adversely affected.

2. **Recorded Plat and Plot Plan Required**

   The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development or part thereof is approved and recorded and an approved plot plan has been submitted in accordance with this Article.

3. **Phasing and Development Schedules**

   The applicant is permitted to construct the Planned Unit Development in more than one phase or stage of construction. In such cases, the applicant shall clearly indicate on the site plan map the boundaries of each proposed phase. If the sequence of construction of
various portions of the development is to occur in phases or stages, then the open space and/or recreational facilities should be developed or committed thereto in proportion to the number of dwelling units intended to be developed during any given stage of construction.

Additionally, the applicant shall submit a schedule of construction for the project or for each phase within the project indicating the sequence of development according to residential type and other nonresidential construction within the project. Upon adoption of the schedule of construction, the Building Inspector shall be responsible for enforcing this schedule. If the Building Inspector determines that the rate of construction of residential units or nonresidential structures differs from the construction schedule, he/she shall so notify the developer in writing. Thereafter, the Building Inspector may issue such orders to a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.

4. Guarantee of Completion

Before approval of the final development plan, the Planning Commission shall require a contract with safeguards satisfactory to the Commission guaranteeing completion of the development plan for any single phase in a period to be specified by the Commission, but which period shall not exceed 5 years unless extended by the Commission.

5. Causes for Revocation

The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

1. If the applicant has not submitted a final development plan to the City within one year of preliminary plan approval. Where an optional staged development plan is utilized, the affected portion of the approved preliminary plan may be revoked in its entirety or to the extent of that portion on which a final development plan/plat has not been submitted and approved.

2. If no building permit has been issued within 2 years from the recording date of the final development plan/plat, or initial plan of a staged final development plan/plat and the applicant has not been granted an extension.

3. If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.

4. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan/plat are proceeding at a substantially slower rate than other project components. From time to time, the Planning Commission shall compare the actual development
accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final development plan/plats if preceding phases have not been finalized. The City may also issue a stop work order or discontinue issuance of building permits, or revoke those previously issued.

SECTION 5: CONSERVATION ZONING DISTRICT

1. General Description

This district is intended to conserve agricultural land and natural amenities. The function of this district is to prevent development that is incompatible with farm land or undeveloped areas. The type, area and intensity of uses permitted in this district are designed to protect such areas. Uses fall into three categories: those which are not allowed, those that are permitted uses by right, and those that are special permitted uses.

B. Permitted Uses

The permitted uses in the Conservation District are set forth below. An (X) symbolizes that a particular use is permitted subject to: (1) the provision of off-street parking (2) conformance to the special conditions applying to certain uses as set forth in Article V; and (3) the provision of off-street loading in accordance with Article VI, Section 2. The letters (SP) signify a use that requires a special use permit and all requirements therefore as outlined in Article IV.

<table>
<thead>
<tr>
<th>PERMITTED USES</th>
<th>ZONING DISTRICT</th>
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<tbody>
<tr>
<td><strong>COMMERCIAL USES</strong></td>
<td>CV</td>
</tr>
<tr>
<td>Campground, R. V. Park</td>
<td>SP</td>
</tr>
<tr>
<td>School, Nursery or Day Care Center</td>
<td>SP</td>
</tr>
<tr>
<td>Veterinarian, Office Only</td>
<td>SP</td>
</tr>
<tr>
<td><strong>COMMUNITY FACILITIES AND PUBLIC UTILITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Church or Other Place of Worship</td>
<td>X</td>
</tr>
<tr>
<td>Community Buildings</td>
<td>SP</td>
</tr>
<tr>
<td>Club or Lodge, Private</td>
<td>SP</td>
</tr>
<tr>
<td>Radio or TV Studio and/or Communication Tower</td>
<td>SP</td>
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RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Single-family Detached</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nursing or Convalescent Home</td>
<td>SP</td>
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</table>

AGRICULTURAL USES

| Animal and Husbandry, Dairying, and Pasturage, but not including the keeping or feeding or swine or poultry | X |
| Nursery, Plants and Stock, Outdoor Retail Sales | SP |
| Timber and Forestry | X |

OTHER USES

| Cemetery/Mausoleum | X |
| Park | X |

OTHER USES (CONT.)

| Sanitary Landfill | SP |

ARTICLE IV
SPECIAL PERMIT USES

SECTION 1:  NATURE AND DESCRIPTION

Certain uses may or may not be appropriately located within various districts throughout the City of West Memphis 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.

SECTION 2:  USES

1.  Uses Restricted to Specific Districts

Uses which are listed in various districts as “special permit uses” may be located in the district or districts so designated only in accordance with the procedure described herein in Section 3.

B.  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, health center, sanitarium, or similar institution for human care
4. Airport, aircraft landing strip, or heliport
5. Radio/TV tower or broadcasting station
6. Removal, mining, or excavation of gravel, topsoil or similar natural material
7. Public utility structure
8. Water/sewer treatment plant or ancillary facilities

SECTION 3: DEVELOPMENT STANDARDS AND REVIEW GUIDELINES
In carrying out the purpose of this section, the following development standards and design specifics shall be subject to conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the Planning Commission and City Council for each specific conditional use location.

1. The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
2. The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
3. The proposed use is within the provision of “special permit uses” as set out in this Ordinance.
4. The proposed use conforms to all applicable provisions of this Ordinance for the district in which it is to be located, and the use facilitates public convenience at that location.
5. The size and shape of the site, including the size, shape and arrangement of proposed structures is in keeping with the intent of this Ordinance.
6. The internal street system, ingress and egress, of the proposed off-street parking, loading and pedestrian ways are sufficiently adequate.
7. Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.
SECTION 4: 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 made by the owner and 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 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of West Memphis. The Public Notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the petitioner shall post on the property in a conspicuous location a sign provided by the City Building Inspector which shall notify the general public of the proposed use and public hearing.

3. The Planning Commission shall review special permit use applications at its regularly scheduled monthly meeting, at which time interested persons may appear and offer information in support of or against the proposed conditional use. The Planning Commission shall then make one of the following recommendations to the City Council: approve the special permit use as submitted; approve the special permit use with modifications; defer the special permit use; or deny the special permit use.

4. The City Council may impose conditions and restrictions upon the premises benefited by a special permit use as may be necessary to reduce or minimize the injurious effects of the use. The special permit use must ensure compatibility with the surrounding property to better carry out the general intent of this Ordinance.

5. In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of the Ordinance relating to height, area or parking. Once any portion of the special permit use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute grounds for revocation of the special use authorization. Such conditions may include the time limits for exercise of the special permit use authorization; otherwise, any exercise of such authorization must commence within a reasonable time. No special permit use authorized by the Planning Commission and City Council shall be subsequently applied for a variance to the Board of Adjustment. Granting a special permit does not exempt the applicant from complying with requirements of any other regulation, code, or ordinance of the City of West Memphis.
SECTION 5: FEES

Before any action shall be taken as provided in this section, the petitioner shall deposit with the City the sum of $50.00, and under no condition shall said sum or any part thereof be refunded for failure of said permit to be approved by the Planning Commission.

ARTICLE V
SPECIAL PROVISIONS

SECTION 1: ACCESSORY BUILDING, STRUCTURE, OR USE

An accessory building, structure, or use may be built or located within a required rear yard when located at least 5 feet from the rear or side lot line, is not located within any public easement, and when occupying not more than 30% of the area of such required rear yard area. (Truck trailers, shipping/cargo containers, or similar type objects are not considered building, structure or allowable use.)

1. Mini-Storage units may be allowed as an accessory use to apartments in a R-4 District, subject to the following standards:

1. One acre minimum lot size;
2. All paved surface, except for 10% required green space/landscape area;
3. Screening adjacent to residential zoning districts: 7 foot solid fence and landscaping;
4. Maximum lot coverage of 50%;
5. Lighting to be located and directed away from residential areas;
6. Gated key card/punch access required;
7. One story structure height limit;
8. No freestanding signage allowed;
9. Type of construction to be compatible with surrounding structures;
10. One storage unit defined as 150 square feet unit per apartment;
11. Mini-storage is an accessory use with a minimum of 30 multi-family units;
12. No exterior RV parking;
13. No outside storage;


SECTION 2: ANIMALS ON PREMISES

The keeping of animals on the premises including animal husbandry; animal hospital; commercial kennel; livestock sales; riding academy; public stable; veterinarian’s office, in those districts where permitted, shall be subject to the following regulations.

1. Animal husbandry, dairying, pasturage shall have a minimum of not less than one acre and shall have no less than 20,000 square feet of lot area for each head of livestock kept on the premises.

2. Animal hospital, pound or shelter; commercial kennel; livestock sales; riding academy; public stable; veterinarian’s office with animals kept on the premises; shall be located no nearer than 200 feet to a residential district, and no nearer to a zoning lot line than 100 feet.

Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises.

SECTION 3: AUTOMOBILE WRECKING, SALVAGE, AND JUNK SHOPS

A. General

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junkyard properly minimizes its objectionable characteristics, the Standards established in paragraphs B, C, D, and E shall be used.

B. Location

Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 500 feet to any established residential district.

C. Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from 8 to 12 feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected
for screening purposes shall be properly painted or otherwise maintained in good condition.

D. **Off-Street Parking**

Off-street parking requirements are provided in Article VI.

E. **Ingress and Egress**

The number of vehicular access driveways for junkyards and automobile wrecking yards having frontage on a State or Federal Highway shall be regulated by the Arkansas State Highway and Transportation Department.

**SECTION 4: CARNIVAL, CIRCUS, OR SIMILAR TEMPORARY ENTERPRISE**

A carnival, or similar temporary enterprise shall be permitted only in a Commercial zoning district and shall have no facilities located nearer to a residential district than 200 feet and no nearer to any occupied residential structure than 500 feet and shall have access drives so located as to minimize traffic hazards. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, and traffic from becoming a nuisance to uses on other adjacent properties. Each Certificate of Occupancy for such an enterprise shall be valid for a period of not more than 10 days and shall not be granted for more than three such periods for the same location within any 90 day period.

Church Tent Revival, shall be permitted only in a Commercial zoning district and shall have no facilities located nearer to an occupied residential structure or to a residential district than 200 feet, and shall have access drives so located as to minimize traffic hazards. The applicant shall show that adequate measures will be taken to prevent odor, dust, noise, lights, and traffic from becoming a nuisance to uses on other adjacent properties. Each Certificate of Occupancy for such an enterprise shall be valid for a period of not more than 10 days and shall not be granted for more than 3 such periods for the same location within any 90 day period.

**SECTION 5: 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. The permit shall specify the maximum number of children to be cared for at each center.

2. The dwelling shall be located on a lot having not less than 10,000 square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental 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. Residential child care centers may be located on a lot having not less than 20,000 square feet of area and fronting a collector street and designed and constructed with the character of a residential single family structure. This structure may or may not be the permanent residence of the operator.

Commercial day care centers, kindergartens, and nurseries that are operated from buildings not originally designated as dwellings shall be located in a commercial zoning district, shall be limited by the requirements of the State of Arkansas in licensing such a facility, and shall otherwise comply with all area regulations established for the district in which such facility is located.

SECTION 6: FENCES

For all residential uses located within any zoning district, an ornamental fence, hedge, or wall not more than 3 ½ feet in height may project into or enclose any required front or side yard, provided that visibility at intersections is maintained in accordance with the provisions of Section 10 of this Article. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, and into the rear yard, provided such fences or walls do not exceed a height of 7 feet.

All fencing for any commercial or industrial use within any zoning district within the City may be located only in accordance with specific requirements and approvals granted by the Design Review Commission of the City of West Memphis.

In the case of a corner lot where the rear and side yards abut an interior lot’s front yard, an ornamental fence, hedge, or wall not more than 3 ½ in height may project into or enclose the required side yard. 

(see following illustration)

SECTION 7: FLAMMABLE LIQUIDS AND GASES

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

SECTION 8: HEIGHT REQUIREMENTS

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, flagpoles, 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.

SECTION 9: 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 the residence.
2. It does not require the use of more than 2 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. No sign of any types shall be located on said premises to denote the business, occupation, or profession of any authorized home occupation.
5. It does not involve the external display of goods and services, and no commodity is sold upon the premises.
6. The occupation must be carried on only by the occupant family of said residence.
7. The term “home occupation”, provided all of the previous conditions are complied with, shall generally be interpreted to include custom dressmaking, tailoring, fine arts studio in which is created only individual works of art, laundering or pressing, professional office of an accountant, architect, attorney, author, engineer, or similar professional person (but not including medical, dental, or chiropractic offices); and teaching or tutoring, including music, dancing, speech, or other arts, with instruction limited to one pupil at a time.
8. The term “home occupation” shall not be interpreted to include a barber or beauty shop, commercial stable or kennel, any business involving sales of merchandise to consumers on the premises, nor commercial repairing of automobiles, appliances, equipment, or similar items.

SECTION 10: VISIBILITY AT INTERSECTIONS

On a corner lot on which a front yard is required, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 1/2 feet and 10 feet above the center line grade of the intersecting street in the area bounded by rights-of-way lines which are also the property lines of such corner lot and line joining points along said streets rights-of-way lines 25 feet from the point of intersection. Graphic illustration of this requirement is provided by the following:
SECTION 11: 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.

SECTION 12: STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile 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.

SECTION 13: 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, except for the following defined extractions and deposits:

1. Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the ground of any building or construction materials to be used in a structure for which a building permit has been issued.

2. 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.

3. Grading in a subdivision which has been approved by the City in accordance with the City of West Memphis Subdivision Regulations.

4. An extractive operation existing and operating as such on the effective date of this Ordinance.
The Planning Commission and City Council 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 building or construction materials.

SECTION 14: RADIO, TV, AND OTHER TOWERS

Radio, television, microwave, and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone upon a finding by the City and issuance of a Special Use Permit, that the proposed tower or towers will not be unduly detrimental to surrounding property, except that towers used by private residences for the reception of television signals or for supporting amateur radio transmitting antenna may be permitted to a maximum height of 100 feet without obtaining a Special Use Permit. Heights in excess of 100 feet shall be subject to the issuance of a Special Use Permit by the City Council. Exceptions to standard height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach and turning zone.

SECTION 15: SIGNS

All signs of any type whatsoever, when located outside the confines of an enclosed building, shall fully comply with all requirements of the West Memphis Sign Ordinance.

SECTION 16: CONSTRUCTION WITHIN FLOODPLAIN AREA

It is intended that this section be applied in a uniform manner to those properties within the City of West Memphis 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 or above the level of the 100 year flood.

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 West Memphis.

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.

SECTION 17: TRAVEL TRAILER PARKS
A travel trailer park as defined in this Ordinance may be established as a commercial enterprise for short-term transient occupants in C-2 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 ensure 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 a part of the trailer.

Plans for a commercial travel trailer park shall be submitted to the administrative official for approval and issuance of a building permit. The plot 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 Board 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 2 spaces.
7. Letter of approval from State Board 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 West Memphis, the administrative official shall issue a building permit.

SECTION 18: MOBILE HOME SUBDIVISIONS

Mobile home subdivisions, which shall be established in the R-3 Residential zone only, provide an opportunity for mobile home ownership of structure and lot for those mobile homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All mobile homes so located within an approved subdivision must have the date plate attached to the unit specifying “This mobile home is designed to comply with Federal Mobile Home Construction and Safety Standards in force at the time of manufacture.” Mobile home subdivisions shall fully comply with the regulations of this Ordinance and further be governed by the Land Subdivision and Development Code of the City of West Memphis. Furthermore, individual mobile homes located within a mobile home subdivision must be converted to permanent
structures as defined in Article X of this Ordinance.

SECTION 19: MOBILE HOME PARKS

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of this Ordinance shall comply with all of the regulations and standards contained in this section. Mobile home parks shall be established only in the R-3 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 mobile home park.

A. Development Standards

Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

1. Each mobile home space shall contain not less than 3,800 square feet minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than 38 feet in width and of adequate shape to provide off-street parking for 2 automobiles.

2. The minimum front yard setback shall be 20 feet to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least 20 feet from all internal drives and access routes through the mobile home park.

3. Mobile home parks must set aside and improve an area to be used for recreational purposes. All parks shall develop a recreational area equal to 6% of the total land area of the park.

4. Internal streets and drives shall be designed for safe and convenient access to all mobile 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.

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

6. There shall be at least 2 paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.
B. Approval Procedure

All licenses and permits as required by the City of West Memphis 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 mobile 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 West Memphis Utility Commission, the Gas Company, and any other utilities or City governmental departments that may become involved in the final development of the site. The mobile home park owner and developer shall submit evidence indicating that he/she is responsible for the complete cost of the development including site preparation, mobile 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 mobile 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 West Memphis. A building permit for construction of the park cannot be issued until a final plat has been approved for the mobile home park site.

SECTION 20: MANUFACTURED HOMES

The establishment, location, and use of manufactured homes as scattered-site single-family residences shall be permitted in the R-1 and R-2 Zoning Districts, 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 must meet all requirements as defined in Article X 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 door or entry 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 attached and anchored to a permanent foundation in conformance with manufacturer’s installation specifications;

4. The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation unless said foundation is constructed of solid brick, stone, or masonry material.
5. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

6. A home located in the R-1 Single-Family Residential District must be a double-wide or larger multi-section unit.

SECTION 21: YARD MODIFICATIONS

A. Yard Space Exemption

The following business area, because of established building patterns and density of existing commercial land use development, is exempt from the provision of this Ordinance setting forth yard space requirements in business zones except for that yard space required when a business abuts property in a residential district. This exemption is allowed to the extent that it shall not have the effect of reducing in any manner compliance with all other provisions of this Ordinance and regulations of the City of West Memphis, Arkansas.

1. That business property with frontage on both sides of Broadway Avenue from the east right-of-way line of Missouri Street extending east to 14th Street and the business property with frontage on both sides of Broadway Avenue from the west right-of-way line of Missouri Street extending west to Rhodes.

B. Projections into Required Yards

Certain architectural features may project into required yards as follows:

1. Cornices, canopies, eaves, or other architectural features, may project a distance not exceeding 2 ½ feet.

2. Fire escapes may project a distance not exceeding 4 ½ feet.

3. An uncovered stair and necessary landings may project a distance not to exceed 3 feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding 3 feet in height.

4. Bay windows, balconies, and chimneys may project a distance not exceeding 2 feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

SECTION 22: CHRISTMAS TREE SALES

The temporary and seasonal sales of Christmas trees may be permitted in any C-1 or C-2 Commercial district outside the confines of a building, provided that the applicant shall show that adequate measures have been taken to prevent odor, dust, noise, lights and traffic from becoming a
nuisance to uses on other adjacent properties. Furthermore, a Certificate of Temporary Occupancy or such enterprise shall be valid for a single time period of not more than 45 days.

SECTION 23: AUTOMOBILE WRECKER SERVICE

A wrecker service is a business enterprise from which wrecker vehicles are dispatched, and may or may not include the temporary storage of inoperable or wrecked vehicles. All temporary storage of said wrecked automobiles shall be screened entirely within enclosed opaque fence or wall, except driveway areas, from 6 to 10 feet in height. Any temporary storage between the street and such fence is expressly prohibited. Furthermore, any premises on which there remains for more than a 30 day period an inoperable, wrecked, or otherwise disabled vehicle, shall be deemed for the purpose of this Ordinance, an automobile wrecking, salvage, or junkyard.

ARTICLE VI
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1: OFF-STREET PARKING REQUIREMENTS

1. Requirement

In all zoning districts, in connection with every commercial, industrial, institutional, recreational, residential, or any other use, there shall be provided at the time any building or structure is erected, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements of this section.

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

Any conveyance of such parking or loading space, or transfer of interest therein, by the owner of the property served thereby without a simultaneous conveyance or transfer of the property served thereby to the same grantee or transferee or without suitable provisions being made in another location for the maintenance of an equivalent number of required spaces in conformance with the provisions hereof shall be unlawful.

2. Application of Standards

In applying the standards of this section, 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 below.

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 Ordinance.

4. Except for parcels of land devoted to one or 2 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. Where parking is to be provided in the front yard of a multiple-family dwelling, there shall be established a setback line of 15 feet. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover.

6. Parking in office, commercial and industrial zones shall have a three (3) foot setback line from property line. The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs, trees or other similar ground cover.

3. Number of Off-Street Parking Spaces Required

In all 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** - One and one half parking spaces for each separate dwelling unit within the structure.

2. **Boarding or Rooming House or Hotel or Motel** - One parking space for each guest room.

3. **Medical/Dental Clinics of Offices, and Hospitals** - 7 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 employee, based on maximum employment of largest shift.

4. **Sanitariums, 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 300 square feet of gross floor area in the building, exclusive of the area used for storage by the public, whichever is greater.

8. **Retail Commercial Establishments** - One parking space for each 200 square feet of floor space in the building used for retail trade, or used by the public, whichever is greater.

9. **Industrial Establishments** - Adequate area to park all employee’s 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.

10. **Church Sanctuary** - One parking space for each 4 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50% 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.

11. **Unlisted Uses** - The number of parking spaces required for a use not listed herein shall be the same as for a similar use which is listed. Where the required number of spaces cannot be ascertained by this method, or the applicant and the City staff cannot agree, the matter shall be submitted to the Board of Adjustment for determination.

4. **Parking Design**

The following 4 parking angles were allowed with their respective width and depth dimensions for stalls and maneuvering areas:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>WIDTH</th>
<th>DEPTH</th>
<th>MANEUVERING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>22 ft.</td>
<td>9 ft.</td>
<td>11 ft.</td>
</tr>
<tr>
<td>Right Angle</td>
<td>9 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Sixty Degree Angle</td>
<td>9 ft.</td>
<td>18 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Forty-five Degree Angle</td>
<td>9 ft.</td>
<td>18 ft.</td>
<td>16 ft.</td>
</tr>
</tbody>
</table>

For parking areas which require greater than 100 parking spaces, 10% of said requirement may be utilized for compact auto parking. The following diagram illustrates the parking space and maneuvering space used for the various parking designs:
E. Development and Maintenance of Parking Areas

When required to provide off-street parking in accordance with Subsection A of this section, every parcel of land hereafter used as a parking or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements.

1. **Location** - All parking spaces provided pursuant to this section shall be on the same lot with the building or within 300 feet thereof. The distance to any parking area as herein required shall be measured between the nearest point of the building said parking area or facility is to serve.

   In no case shall off-site parking comprise more than 25% of the total number of spaces required in this section.

   When detached parking facilities or satellite parking lots are provided, they shall be located on property which is zoned to allow the principal use to which this parking will serve or they must be approved by the Board of Adjustment.

2. **Pavement Requirement** - Every parcel of land which after the effective date of this Ordinance, is used as a parking area, automobile, other vehicle or trailer sales or storage area, or automobile or motor vehicle service station, garage or other vehicular use area shall be paved. The minimum pavement requirements shall be designed for intense traffic use with an asphalt concrete hot mix surface, or a double surface treatment, or concrete surface. Any off-street parking area shall be paved as specified above and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles. The foregoing requirements with respect to surfacing shall not apply to a temporary parking area.

3. **Screening and Landscaping** - Off-street parking areas for more than 5 vehicles shall be effectively screened on each interior side or rear yard area which adjoins any Residential District, or institutional premises, by a masonry wall or solid board fence of acceptable design. Such wall or fence shall not be less than 5 feet or more than 7 feet in height and shall be maintained in good condition without any advertising thereon. The space of such wall or fence and the side lot line adjoining said premises, or the front lot line facing said premises, in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

4. **Signs** - No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
3. **Lighting** - Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises in any Residential District.

SECTION 2: OFF-STREET LOADING

1. **Requirement**

Every building or structure hereafter constructed in any district for nonresidential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area, and one additional such loading space for each 10,000 square feet, or major fraction thereof, of gross floor area in excess of 5,000 square feet.

2. **Size**

Each loading space shall be not less than 10 feet in width, 35 feet in length, and 14 feet in height. Where the off-street loading space does not abut on a street, alley, or easement of access, there shall be provided an access drive of at least 10 feet in width leading from the street to loading area.

3. **Location**

Such space may occupy all or any part of any required yard or court space, but no such space may be located closer than 25 feet to any Residential District unless wholly within a completely enclosed building or unless enclosed on all sides abutting the Residential District by a wall of solid fence at least 8 feet in height.

SECTION 3: LANDSCAPE ORDINANCE

**LANDSCAPE AND SCREENING REGULATIONS**

A. **Introduction**

The mature hardwood forests which occur within and around West Memphis are a prime and valuable asset. Few American cities of any size are graced with such stately and mature oak trees as West Memphis. This ordinance seeks to preserve these forest trees where possible and establish new plantings of a complementary nature.

In a recent survey in which mid-southerners were asked to rank our natural amenities, trees were listed second only to the Mississippi River in order of importance. The quality of life in our city is directly related to the conservative and stewardship of this natural resource.

This ordinance is intended as a minimum standard for landscape treatment. Owners
are encouraged to exceed this standard in seeking more creative solutions - both for the enhanced value of their land, and for the collective health and enjoyment of all West Memphians.

B. Purpose

The purpose of this ordinance is to utilize landscape elements - particularly plant material - in an organized and harmonious fashion that will enhance the physical environment of West Memphis and Crittenden County for the comfort, safety and enjoyment of its citizens.

1. To preserve natural vegetation - particularly tree cover - and encourage design solutions with this foremost in mind.

2. To provide new planting in concert with natural vegetation and careful grading.

3. To provide an overall planting scheme which will:
   a. Reduce soil erosion
   b. Provide visual screens and buffers thereby preserving the appearance, character and value of existing neighborhoods.
   c. Provide shade, comfort and seasonal color
   d. Enhance spatial relationships and in general provide character and structure to the built environment.
   e. Provide greater perceptual clarity along major roads and transit ways by more consistent planting of properly sized street trees.

C. Submittal and Approval Process

1. Submittal:

   The applicable landscape and screening plates, and required internal landscaping to be used on the property should be submitted in the initial building permit application. The site plan or plat shall show the landscape and screening plates required, required parking lot landscaping, if applicable and the specific plant materials to be installed for the proposed use of the property. The required landscaping and screening provision are provided in the following subsection. The applicant may submit a site plan or plat indicating the use of existing tree cover, substitution or alternative treatment in accordance with the requirements of this section.

2. Approval:

   Approval of the building permit shall constitute approval of the proposed landscaping. A signature block shall be affixed to the site plan or plat to provide for the date of approval and signature of the building official.
3. **Side and Rear Screening Requirement:**

   The Planning Director or designee may approve an equivalent alternative to the requirements herein. If such alternative is requested a signature block shall also be affixed to the site plan or plat to indicate the approval of the Planning Director.

D. **LANDSCAPE/SCREENING REQUIREMENTS**

1. **Streetscape:**

   The perimeter of a parcel adjacent to streets and other public thoroughfares exclusive of driveway curb cuts. Species and placement shall be uniform within the parcel except under alternative treatment described in Section G.

   Refer to Pages 5 and 6 for required landscaping for various land use types.

2. **Edge Screening:**

   The perimeter of a parcel adjacent to property other than streets or public thoroughfares.

   Refer to Pages 5 and 6 for required landscaping for various land use types.

3. **Interior Landscaping:** (Parking Lots)

   A minimum of 300 square feet of required landscaping and one (1) shade tree (Tree “A”) shall be planted for every twenty (20) parking spaces or fraction thereof. It is suggested that required planting occur within interior planting islands of at least 50 square feet in area. However, it is acceptable for required planting to be located adjacent to required streetscape, edge screening or along fronts of buildings.

4. **Required Landscaping/Screening:**

   The following chart outlines the required landscaping (Streetscape) and screening (Edge Screening) requirements by zoning and/or use. To use the chart first determine the zoning and/or proposed principal use of the property according to the following general classifications listed in the chart:

   a. Industrial
   b. Commercial
   c. Office
   d. Apartments
   e. Single Family
After determining the appropriate use classification refer to the right hand column of the chart for the choice of landscape required for both streetscape and screening of adjacent property.

The letter designations in the right hand column of the chart correspond to typical landscape or screening illustrations (PLATES). The Plates, located in Subsection K, Pages 14 to 27, specify plant location criteria and the types of trees and shrubbery required. Subsection O, Pages 34 to 42 provides a list of approved trees and shrubbery. For easy reference each plant category is designated by a letter that corresponds to the letter designation of plant types illustrated on the landscape plates.

For each land use, as defined in the Zoning Ordinance, the minimum landscape standard is required. Streetscape treatment requires the use of one species and uniform placement except as provided herein. Alternative solutions are encouraged including optional landscape Plates included herein, as well as more creative solutions proposed by the project landscape architect.

### ZONING DISTRICTS OR USES

<table>
<thead>
<tr>
<th>ZONING DISTRICTS OR USES</th>
<th>PLATES</th>
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<tbody>
<tr>
<td>1. Industrial (Principal Use or Zone)</td>
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<tr>
<td>Streetscape (Frontage)*</td>
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<tr>
<td>Without Parking in Front Yard</td>
<td>A-1</td>
</tr>
<tr>
<td>With Parking in Front Yard</td>
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<tr>
<td>Screening (Adjacent to)</td>
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<tr>
<td>Office</td>
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</tr>
<tr>
<td>Multi-family</td>
<td>B-2, B-3, B-4, B-5 or B-6</td>
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<tr>
<td>Residential (Zone or Uses)</td>
<td>B-2, B-3, B-4, B-5 or B-6</td>
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<td>2. Commercial (Principal Use or Zone)</td>
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<tr>
<td>Streetscape (Frontage)*</td>
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<td>Without Parking in Front Yard</td>
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<td>Description</td>
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<tr>
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<td>A-2, A-3 or A-4</td>
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<td>Multi-family</td>
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<td>B-2, B-3, B-4, B-5 or B-6</td>
</tr>
</tbody>
</table>

3. **Office (Principal Use or Zone)**

   Streetscape (Frontage)*

<table>
<thead>
<tr>
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<th>Code(s)</th>
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<tr>
<td>With Parking in Front Yard</td>
<td>A-2, A-3 or A-4</td>
</tr>
<tr>
<td>Screening (Adjacent to)</td>
<td></td>
</tr>
<tr>
<td>Multi-family</td>
<td>B-1, B-2, B-3, B-4, B-5 or B-6</td>
</tr>
<tr>
<td>Residential (Zone or Uses)</td>
<td>B-1, B-2, B-3, B-4, B-5 or B-6</td>
</tr>
</tbody>
</table>

4. **Apartments (Principal Use or Zone)**

   Streetscape (Frontage)*

<table>
<thead>
<tr>
<th>Description</th>
<th>Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without Parking in Front Yard</td>
<td>A-1</td>
</tr>
<tr>
<td>With Parking in Front Yard</td>
<td>A-2, A-3 or A-4</td>
</tr>
<tr>
<td>Screening (Adjacent to)</td>
<td></td>
</tr>
<tr>
<td>Multi-family</td>
<td>B-1, B-2, B-3, B-4, B-5 or B-6</td>
</tr>
<tr>
<td>Residential (Zone or Uses)</td>
<td>B-1, B-2, B-3, B-4, B-5 or B-6</td>
</tr>
</tbody>
</table>

5. **Single Family (R-1, R-2, R-3 Zones and Uses)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>With Frontage on Major Road</td>
<td>A-1</td>
</tr>
<tr>
<td>Non Residential Uses with Parking in Front Yard</td>
<td>A-2, A-3 or A-4</td>
</tr>
<tr>
<td>Reverse Frontage Lots</td>
<td>RV-1, RV-2 or RV-3</td>
</tr>
</tbody>
</table>
Screening (Adjacent to)
For Non Residential Uses in Residential

Zones Adjacent to Residential Uses or Zones B-1, B-2, B-3, B-4, B-5 or B-6

Streetscape plates shall be provided and maintained along all public streets as indicated above. All references to “front yard” shall be the front yard area as required by the Zoning District in which the property is located. Screening plates shall be provided and maintained on the property as zoned or uses (letter designation) when adjacent to property zoned or used as indicated above. Zoning districts shall be designated in the following major use categories:

SINGLE FAMILY ZONES: R-1, R-2, R-3
MULTI-FAMILY (APARTMENT) ZONES: R-4
OFFICE ZONES: O-1
COMMERCIAL ZONES: C-1, C-2
INDUSTRIAL ZONES: I-1, I-2

a. Parking in the front yard must meet the geometric requirements of Article VI, Section 1. D of the Zoning Ordinance, exclusive of the areas required for “Streetscape” and “Edge Screening” as set forth in Section D. 1. and 2. of this Article.

E. OTHER REQUIREMENTS

1. Nonconformity
   a. No building, structure or use lawfully established prior to the effective date of this ordinance shall be required to comply with the provisions of this section except as hereinafter provided.
   b. All buildings and structures erected and uses established after the effective date of this ordinance shall comply with the provisions of this section provided, however, that if a building permit was issued prior to the effective date of this ordinance and construction is begun within one year of the date of such permit, the landscaping and screening regulations in effect on the date such permit was issued shall apply.
   c. Any additional residential dwelling units resulting in an increase in ground floor area, an increase in ground floor area of other uses, an expansion of a parking area, or other use expansion at ground level shall comply with the requirements of this ordinance only to the extent of the increases specified above.
d. If the existing use of a property is changed to a new use requiring additional landscaping or screening than would be required by the former use under these requirements, the requirements of this ordinance shall apply to the new use.

e. Any conforming or nonconforming building, structure or use in existence on the effective date of this ordinance that is subsequently damaged or destroyed and thereafter reconstructed, re-established or repaired may maintain the same amount and type of landscaping and screening existing on the date of the damage or destruction, provided however, if such damage or destruction exceeds 75 percent of the value of such building, structure or use the landscaping and screening requirements of this ordinance shall apply.

f. No existing landscaping or screening provided on a property as of the effective date of this ordinance shall be reduced in amount nor size below the requirements of this section.

2. Utility Clearance

All new planting shall be located so as not to interfere with existing or planned utilities, as follows:

a. **Overhead electric transmission lines**

   All trees and shrubs are prohibited from being planted in the easement within which these lines are located without prior approval by West Memphis Utilities.

b. **Overhead electric distribution, telephone or cable television pole lines**

   For use of trees in proximity to such pole lines, the following horizontal setbacks shall apply, measured from the center line of said pole line to the center line of the trunk of tree:

   1) Tree “A” (major deciduous tree)  
      25 feet

   2) Tree “B” (intermediate deciduous tree under 40 foot height)  
      25 feet

   3) Tree “C” (understory deciduous tree height up to 15 feet)  
      0 feet

   4) Tree “D” (evergreen tree with mature height over 30 feet)  
      20 feet
5) **Tree “E”** (evergreen tree with mature height of 15 to 30 feet) 10 feet

6) **Tree “E”** (evergreen with mature height up to 15 feet) 0 feet

c. **Street Lights**

The following horizontal setbacks shall apply, measured from the center line of the street light post to the center line of the trunk of tree, for various classes of trees:

1) **Tree “A”** 15 feet
2) **Tree “B”** 12 feet
3) **Tree “C”** 8 feet
4) **Tree “D”** 12 feet
5) **Tree “E”** 8 feet

d. **Underground electric distribution, telephone or cable television lines.**
All trees and shrubs shall be planted a minimum of three (3) feet horizontally from these lines.

e. **Underground collection and/or distribution waterlines.**
All trees and shrubs are prohibited from being planted in the easements within which these lines are located.

f. **Underground transmission and/or distribution gas lines.**
All trees and shrubs are prohibited from being planted in the easements within which these lines are located.

g. **Underground electric service lines or gas service lines.**
All trees and shrubs shall be planted a minimum of three (3) feet horizontally from these lines.

h. **Switch Gears, Pad mounted transformers or cable junction enclosures.**
All trees and shrubs are prohibited from being planted within fifteen (15) feet in front of the door(s) or the above cited electrical equipment.

i. **Underground Storm drain lines or sanitary sewer lines.**
All trees and shrubs shall be planted a minimum of five (5) feet horizontally from the easements of these lines.

j. **Public Sidewalks.**
All streetscape landscaping plates shall be located and dimensioned exclusive of and not in conflict with any sidewalk/pedestrian easement behind the right-of-way line except as outlined in Subsection G - Alternative Streetscape
The above standards are included as general requirements. The branching habit and root growth will vary widely from tree to tree in each group. The intent of this standard is to avoid any interference or hazard with existing or planned utilities. The landscape architect or designer, as well as the installation contractors are advised to exercise competent judgment in this regard.

F. SUBSTITUTION OF EXISTING TREES AND PLANTS

Any existing tree with a trunk in excess of 10 inches in diameter 12 inches above ground may be substituted for one required street tree if the following measures are met:

1. No more than 25 percent of the ground under the tree’s canopy shall be disturbed by construction. In meeting this test, the tree’s canopy shall be computed as a circle whose center point is the trunk diameter and whose radius is equal to one foot per inch of tree caliper. Neither cut nor fill shall be allowed on an area in excess of 25 percent of the ground within the circle and a grading plan submitted to the West Memphis Building Department shall reflect the exact location of trunk, canopy limits and disturbance zone, if any.

2. Existing plants equal in specification may be substituted for that required for edged screening.

G. ALTERNATIVE STREETScape TREATMENT

The requirement for a uniform placement of street trees of the same species along roads may be modified when a landscape treatment meeting all of the following criteria is substituted:

1. A landscape buffer the depth of the required front yard is provided (excluding entry and exist drives).

2. The area landscaped contains the same or greater number of trees as that required by the normal street tree formula. When this substitution is made, the property owner is permitted to randomly place the trees, vary the species, and meander the sidewalk location.

3. If meandering public sidewalks are reflected on the landscape/site plan, the owner shall grant a sidewalk/pedestrian easement to the City, subject to the approval of the City Engineer, prior to the approval of the site plan by the Building Official.
H. INSTALLATION AND MAINTENANCE

1. **Installation:** Required landscaping shall be fully installed prior to issuance of a final use and occupancy permit. If project construction is phased, required landscaping correspondingly may be phased.

   Landscape installation should occur seasonally appropriate and in conformance with accepted nursery practices. No planting should occur until grades have been stabilized, properly prepared, and deemed in compliance with intended grades.

2. **Maintenance:** All landscaping shall be maintained by owner for the life of the development project. Maintenance is intended to protect the landscape investment and to ensure that plants remain healthy, attractive, and pose no hazards to human safety or welfare.

   Maintenance shall include such things as watering of plants and lawns, mowing, raking, mulching, weeding, pruning, spraying, replacement of dead materials and periodic inspection.

I. QUALITY STANDARDS

1. **Trees and shrubs:** All trees and shrubs shall be nursery grown and shall conform to AAN standards. Bare root stock or field collected plants shall not be permitted.

2. **Grass Sod:** Grass sod shall be well-rooted, healthy, clean and reasonably free of weeds and noxious pests or diseases. Sod shall be in compliance with American Sod Produces Association (ASPA) Standards.

3. **Grass Seed:** Grass seed shall be fresh, clean, new crop seed furnished in unopened bags with vendors certification for percentages of weight, purity, germination and weed seed for each grass species.

4. **Nomenclature:** All plants shall be identified by botanical and common (English) names in accordance with *Hortus Third*, L. H. Bailey, 1976.

J. EXISTING TREE COVER SUGGESTIONS

1. Existing tree cover - particularly the mature hardwood forests indigenous to the mid-south region-should be preserved in all development to the extent possible. Preservation of tree cover, along with existing land forms and drainage patterns, may result in a more cost effective and attractive development.

2. Almost all trees, and particularly those of six (6) inch caliper size and greater, are
worth saving. Existing trees can be saved in accordance with the following guidelines:

a. Identify the location and quality of existing trees and tree masses at the beginning of the development process.

b. Pay particular attention to mature trees (e.g. oaks of 24 inch caliper and larger) and groves or “fenced rows” of trees along the edge of property. The latter may substitute for property line screening requirements included herein, resulting in significant development cost savings.

c. To preserve an existing specimen tree, a prescribed area around the trunk of the tree shall remain undisturbed during construction and occupancy. This prescribed area is determined as follows: a circle with a radius equal to one foot per inch of tree caliper shall be drawn around the tree. If two-thirds of the circular area can remain undisturbed and at original grade, the tree can usually be saved without special treatment.

d. Individual trees and the groves intended for retention should be marked in the field. Those areas that can remain undisturbed should be encircled with snow fencing (at a minimum) and should be regarded as off limits for any construction activities, including:

1. Cut and fill
2. Stock piling materials
3. Significant alteration of drainage pattern
4. Driving or parking of construction equipment in protected areas.
5. Felling trees into protected areas.
6. Burning in, or in dangerous proximity to protected area.

Landscape Plan: A landscape plan is not required to determine compliance with the standards herein. However, it is strongly recommended that such a plan, prepared by a landscape architect registered in Arkansas, be part of the development package, in accordance with state laws governing the licensing of appropriate design professionals.

A landscape plan can result in a more creative and cost-effective landscape solution for a given development. In addition, the landscape construction process including bidding, installation and maintenance will be improved and streamlined by preparation and adherence to a landscape plan.
TREE "A" 40' O.C. MAX.
OVERHEAD WIRES.
TREE "B" 30' O.C. MAX.
"C" 20' O.C. MAX.
LAWN OR DRIVEWAY
(NO PARKING)

MINIMUM LAWN AREA 8'-0"
FRONT YARD SETBACK 1
Private Yard

6' HT. MASONRY WALL

CONCRETE CURB

TREE "D" 30' O.C. MAX. 5 GAL.
"E" 20' O.C. MAX. 5 GAL.

DRIVE
OR
PARKING

7-6
6' HT. BRICK COLUMN 40' O.C. MAX.

6' HT. SIGHT-PROOF FENCE

CONCRETE CURB

TREE "D" 30' O.C. MAX.
"E" 20' O.C. MAX.

PRIVATE YARD

DRIVE
OR
PARKING

7-0
PRIVATE YARD

6' HT. SIGHT-PROOF FENCE
CONCRETE CURB
TREE "D" 2 ROWS 20' O.C.

DRIVE
OR
PARKING

B-4
L. **APPROVED PLANT LIST**

1. **General Notes** The following approved plant list is prepared in a format allowing the landscape architect/designer optimal flexibility in plant selection. At the same time, care has been taken to avoid some of the errors detracting from a landscape installation, both in the immediate and long range time frame.

   The plant list includes trees and shrubs recommended for landscape planting in West Memphis. These plants have desirable growth habits, are hardy, and are generally available from area nurseries.

   All plants intended for use on a particular development shall be clearly indicated on the site plan or plat submitted for review.

2. **Proper Plant Selection** Plants have been grouped according to type (deciduous or evergreen) and mature size. This is essential in selecting the proper plant for a particular location. For example, shade trees (Tree “A”) should never be located in constructed locations or near overhead power lines. Focal or understory (Tree “C”) would be more appropriate in this instance.

3. **Planting Context** New planting should always blend well with existing plants in a particular area. For example, if a new development is planned for an area where one or more neighboring developments have established a particular street tree (or shrub etc.) the new development should also use that same tree (or shrub etc.) so long as it conforms to the standards herein.

   The owner (landscape architect/designer) should be aware of the general types of trees and shrubs, both on neighboring sites and on site, and slated for preservation.

M. **DEFINITIONS**


2. **Approved Plant List:** List of trees and shrubs approved for use in West Memphis in compliance with landscape Ordinance.

3. **B + B:** Roots of plant material which have been bailed and burlapped, in accordance with AAN Standards, in preparation for delivery and transplanting.

4. **Berm:** An earthen mound formed to shield undesirable views and/or to decrease noise. The slope of a berm should not exceed a rise of one foot in three horizontal feet.
5. **Gallons:** Roots of plant material contained in a standard container (e.g. three gallon size), in accordance with AAN Standards, in preparation for delivery and transplanting.

6. **Landscaping:** Landscaping shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges or trees; and non-living durable material commonly used in landscaping, such as but not limited to rocks, pebbles, mulch, walls or fences but excluding paving.

7. **Plates:** Sketches which indicates various landscape standards contained in Landscape Ordinance.

8. **Shrubs:** Shrubs shall be defined as a self-supporting woody plant, either deciduous or evergreen, with several stems and a normal mature height of three (3) to twenty (20) feet in Crittenden County.
   
   a. **Minor evergreen shrub.** (Shrub “A”). Any evergreen shrub easily maintained at three (3) to four (4) feet in height.

   The minimum size at time of planting shall be 18 to 24 inch spread, three (3) gallon, in accordance with AAN Standards.

   b. **Intermediate evergreen shrub.** (Shrub “B”). Any evergreen shrub easily maintained at six (6) to eight (8) feet in height.

   The minimum size at time of planting shall be 18 to 24 spread, three (3) gallon, in accordance with AAN standards, (5) gallon minimum is required for RV Plates.

   c. **Major evergreen shrub.** (Shrub “C”). Any evergreen shrub easily maintained at eight (8) to fifteen (15) feet in height.

   The minimum size at time of planting shall be 18 to 24 inch spread, three (3) gallon, in accordance with AAN standards, (5) gallon minimum is required for RV Plates.

9. **Trees:** Trees shall be defined as self-supporting woody plants of species which normally grow to an overall height of at least fifteen (15) feet.

   a. **Major deciduous tree** (Tree “A”). Any deciduous tree ordinarily maturing at a height of at least fifty (50) feet.

   The minimum size at time of planting shall be (two to two and a half (2 to 2 1/2) inches caliper, B + B, in accordance with AAN standards.
b. **Intermediate deciduous tree** (Tree “B”). Any deciduous tree ordinarily maturing at a height between thirty (30) and fifty (50) feet. The minimum size at time of planting shall be two to two and a half (2 to 2 1/2) inches caliper, B + B, in accordance with AAN standards.

c. **Understory deciduous tree** (Tree “C”). Any deciduous tree ordinarily maturing at a height of less than thirty (30) feet. The minimum size at time of planting shall be as follows in accordance with AAN standards:

1) Single trunk - One and a half to two (1 1/2 to 2) inches caliper B + B

2) Multiple - 6 to 8 feet in height

d. **Evergreen tree** (Tree “D”). Any evergreen tree of mature height of at least twenty (20) feet. The minimum size at time of planting shall be five (5) to six (6) feet in height in accordance with AAN Standards.

e. **Evergreen tree** (Tree “E”). Any evergreen tree of mature height of between fifteen (15) and thirty (30) feet. The minimum size at time of planting shall be five (5) to six (6) feet in height in accordance with AAN standards.

f. **Naturalized Screen Trees** (Tree “F”). Any deciduous or evergreen tree native in West Memphis and attaining a height at maturity of at least twenty (20) feet. The minimum size at time of planting shall be five (5) to six (6) feet in height in accordance with AAN standards.
OPTIMUM PLANTING SEASON FOR DECIDUOUS TREES IS FROM NOVEMBER 15 TO MARCH 15

REMOVE DAMAGED AND BROKEN LIMBS AND ENOUGH WHOLE BRANCHES AND TWIGS TO REDUCE BY 1/4

1/2" GARDEN HOSE

10 GAUGE GALVANIZED WIRE

4 STAKES 2" X 2" X 6' SPACED EQUALLY AROUND TREES

WRAP ENTIRE SURFACE OF TRUNK WITH TREE WRAP TO SECOND BRANCH. TIE SECURELY AT TOP AND BOTTOM AND AT 2 INTERVALS ALONG THE TRUNK

SPREAD MULCH 2" DEEP IN A MINIMUM 4' DIAMETER CIRCLE AROUND TREE

3" HIGH DIRT SAUCER AROUND TREE

CUT AND REMOVE ALL NYLON CORD FROM TRUNK AND ROOT BALL AND FOLD DOWN BURLAP

BACK FILL WITH ORIGINAL SOIL. TAMP CAREFULLY TO AVOID AIR POCKETS

DEPTH OF HOLE SHOULD BE EQUAL TO HEIGHT OF ROOT BALL

WIDTH OF HOLE SHOULD BE A MINIMUM OF 2' WIDER THAN ROOT BALL
If pruning is desired, allow bottom branches to grow wider than top to prevent "legginess."

Flat shrub so the top of root ball is level with surrounding soil.

Spread mulch 2" deep over entire shrub bed.

Minimum width of bed 3'-0"
Prepare seed to a depth of 6" mix 1/3 coarse sand, 1/2 peat moss and 1/3 soil.

In container grown plants check ball for pot bound roots. Slice through the outside of the rootball with a sharp knife when this condition occurs.

Shrub bed detail.
NOTE: IF MAXIMUM VISIBILITY (AND MINIMUM SHADE) IS DESIRED, INSTALL TREES WHICH ARE MORE TRANSLUCENT

EXAMPLES FROM TREE LISTS INCLUDE:
THORNLESS HONEYLOCUST
KENTUCKY COFFEE TREE
BALD CYPRESS

SERVICE STATION LANDSCAPE PROTOTYPE
ARTICLE VII
NONCONFORMING STRUCTURES AND USES OF LAND AND STRUCTURES

SECTION 1: NONCONFORMING USE OF LAND

Where, on the effective date of adoption of this Ordinance, 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 Ordinance.

2. If 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 Ordinance for the district in which such land is located.

3. Maintaining a business license and utilities will not be considered a continuation of use unless proof of constant land occupancy and usage is also provided.

SECTION 2: NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance 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 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% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.

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 use of structure is in conformance with this Zoning Ordinance.
SECTION 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 Ordinance, that would not be allowed in the district under the terms of this Ordinance, 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 Ordinance in the district in which it is located shall be structurally altered except in changing the use of the 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 Ordinance, 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 Board 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 60% 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.
SECTION 1: CREATION AND APPOINTMENT

There is hereby created a Board of Zoning Adjustment which shall consist of the Mayor and 10 members; each to be appointed by the Mayor and confirmed by the City Council for a term of one year.

A member of such Board of Zoning Adjustment, once qualified, can thereafter be removed during his/her term of office only for cause on a majority vote of the City Council. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the Mayor and confirmed by the City Council to serve his/her unexpired term.

SECTION 2: ORGANIZATION

1. Officers

A Chairperson and Vice Chairperson shall be elected annually by the Board from among its membership. The Chairperson, or in his/her absence, the Vice Chairperson, 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. The Mayor shall appoint a secretary, who shall hold office during the will and pleasure of the Mayor, and shall receive such compensation from the City of West Memphis as may be fixed from time to time by the City Council of the City of West Memphis.

2. Rules and Meetings

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Zoning Ordinance. 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 examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. A quorum of the Board shall consist of 6 members. The concurring vote of a majority of the total Board members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this Ordinance. The Building Inspector or his/her representative shall attend each meeting of the Board and shall bring with him/her all plans, specifications, plats, and papers relating to any case before the Board for determination.
SECTION 3: POWERS AND DUTIES

The Board of Adjustment shall have all the powers and duties prescribed by law and by this Ordinance, which are more particularly described as follows:

A. **Administrative Review**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Zoning Ordinance. The Board may affirm or reverse, in whole or in part, said decision of the administrative official.

B. **Variances**

To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of this Zoning Ordinance 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, structure or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; 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 Ordinance 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 Ordinance, 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 that it deems necessary or desirable. 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 Ordinance.

6. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Ordinance in said district.

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 for this Ordinance.

2. Interpret zoning district boundaries where uncertainty exists as 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. Determine the amount of parking required for a use not listed in Article VI, Section 1.

4. Vary the parking regulations by not more than 50% where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance.

5. Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted classification as the original nonconforming use.

6. Permit an addition to a nonconforming structure provided that said addition conforms to all Building Code requirements and area/setback regulations of the Zoning Ordinance; and further provided that the current use of the structure conforms to the zoning district in which it is located.
7. Permit reconstruction of a structure containing a nonconforming use that has been more than 60% destroyed in accordance with the standards of Article VII, Section 3.

SECTION 4: PROCEDURE FOR APPEALS

1. Application

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the administrative official. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the Code involved and shall exactly set forth (1) the interpretation that is claimed, (2) the use for which the permit is sought, or (3) the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The appeal or application shall be filed with the officer from whom appeal is taken and with the Board. The officer from whom appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

2. Public Hearing and Notice

The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. 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 West Memphis. 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. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

3. 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, in his/her opinion, 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 by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

4. Time Limit on Permits

No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than 60 days unless such use is established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.
5. **Fee**

The fee for any appeal or application to the Board shall be $35.00, no part of which shall be refundable. The administrative official shall deposit with the City Treasurer each month all fees collected during the preceding month.

6. **Appeals from Board of Adjustment**

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

**ARTICLE IX**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION 1: ADMINISTRATIVE OFFICIAL**

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

A. **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.

B. **Collections**

   To collect the designated fees as set forth in these regulations for building permits, variances, appeals, amendments, and special permits.

C. **Records**

   To make and to keep 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 file such record in the office of the Building Inspector.
D. Inspections

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

E. Enforcement

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

C. Advisements

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

SECTION 2: BUILDING PERMIT

It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the Building Inspector has issued a building permit for such work. No building permit shall be issued unless the proposed construction for 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 zoning lot, location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, and such other information as may be necessary to provide for the administration of this Zoning Ordinance. If the work described in a building permit has not begun within the prescribed time set forth in the Building Code of West Memphis, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected.

SECTION 3: CERTIFICATE OF OCCUPANCY

1. Purpose and Authority

Certificates of Occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this Ordinance, as well as any site plans or conditional approvals for such structures and development.

The Building Inspector shall have the authority and responsibility to issue and keep records of Certificates of Occupancy in accordance with the requirements set forth in this Ordinance, and the Building Code.
A Certificate of Occupancy must be applied for and issued by the Building Inspector prior to occupancy and use of a structure or premises for any of the following:

1. Any new structure.
2. Any addition to an existing nonresidential structure.
3. Any change in occupancy or use of a building or premises that involves nonresidential occupancy.
4. Placement of any new or used mobile home which is being moved onto any lot or parcel and connected by city electrical, water or sewer service.

2. Procedure

A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit and must be issued before occupancy and connection of utilities to such building. The application fee shall be $10.00.

The Building Official or his/her designated agent shall inspect the property which is the subject of an application within a reasonable time, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of West Memphis. If the premises do not so comply, the Building Official shall deny the application in a written notice mailed to the applicant within 5 days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure or development does not comply.

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding 6 months. Such Temporary Certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy or any other matter required by this section.

3. Contents of Certificate of Occupancy

Information required for submission to obtain a Certificate of Occupancy shall include:

1. Name of applicant.
2. Nature and extent of the applicant’s ownership interest in the subject property.
3. Address of the property for which a Certificate is requested.
4. A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.
5. A site plan (same as required for a building permit) for the structure or the development of which such structure is a part is required.

6. Such other information as requested by the Building Official to ensure conformance with applicable development regulations.

SECTION 4: PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this Zoning Ordinance 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 “Class C” Misdemeanor and shall be liable to a fine of not more than $100.00. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance 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.

SECTION 5: AMENDMENTS

2 types of amendments to this Zoning Ordinance are recognized, one being a revision in the textual provisions of the ordinance and the other being a change of boundary in a zoning district.

A. Amendment to Text

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

B. 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/she or his/her 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 in boundary, 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 map or diagram showing proposed improvements to the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and other optional information which the owner feels should be brought to the attention of the Planning Commission. The disposition of the petition shall be in accordance with the provisions of Sections 6 and 7 below.
SECTION 6: 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 fifteen (15) days prior to the hearing. The owner or applicant shall pay the cost of publication of said notice and provide proof of publication to the Planning Office prior to the public hearing.

The owner shall be responsible for contacting all property owners, by certified mail, immediately adjacent to and across a public alley, or street, of the property being rezoned and provide a copy of written notification to the Planning Office at least six (6) days prior to the public hearing. Additionally, the administrative official shall cause the owner or applicant to place a sign in a conspicuous place on the site of the property proposed for rezoning indicating the date, time and place of the public hearing on the rezoning proposal. The said sign must be placed on site not fewer than fifteen (15) days prior to the date of the public hearing. The City will furnish the required sign.

SECTION 7: 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 Ordinance 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 the modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council.

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/she considers the Planning Commission’s finding and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within 15 days after receipt in writing of 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 Ordinance 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 a 3/4 majority vote that a substantial reason exists for waiving this mandatory waiting period.

SECTION 8: FEES

Before any action shall be taken as provided in this section, any private party or parties proposing a change in the zoning regulations or district boundaries shall deposit with the administrative official the sum of $75.00 to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City.

ARTICLE X
INTERPRETATIONS AND DEFINITIONS

SECTION 1: INTERPRETATIONS

The provisions of this Ordinance shall be held to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this Ordinance, the provision of such other ordinance or local regulation shall prevail. When referring to this Ordinance, the following rules of interpretation shall be applied, except when the context clearly requires otherwise:

• The particular shall control the general.

• In the case of any difference of meaning or implication between the text of this Ordinance and any chart, graph, illustration or table, the text shall control.

• The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

• Words used in the present tense shall include the future and words used in the singular include the plural and the plural in the singular, unless the context clearly indicates the contrary.

• The words “building” and “structure” are synonymous and include any part thereof.
• The word “person” includes individuals, firms, corporations, associations and any other similar entities.

• The words “lot”, “parcel”, “site”, “tract”, or other unit of ownership are synonymous and may be used interchangeably.

• The word “City” means the area of jurisdiction of the City of West Memphis, Arkansas.

• All public officials, bodies and agencies to which reference is made are those of the City of West Memphis, Arkansas.

• All yards required by this Ordinance shall be open and unobstructed by structures from the lowest level of the lot to the sky except as specifically regulated herein.

SECTION 2: 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 Ordinance) 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.

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”)

Assisted Care Facility: Any premises where more than three persons are lodged and provided with assistance for day to day living.

Automobile Junk or Salvage Yard: (See “Junkyard”)

Automobile Painting or Body Rebuilding Shop: A facility for restoring auto bodies, painting, or refinishing.

Auto Repair Garage: A facility for major motor vehicle repair, excluding body rebuilding.

Block Front: All of the property on one side of the street between 2 intersecting streets or between an intersecting street and the dead end of a street.
Boarding or Rooming House: A dwelling or part thereof where meals and/or lodging are provided for compensation for 2 or more persons not transients.

Building: Any structure including a roof supported by walls, (not to include truck trailers, shipping/cargo containers, or similar type objects,) designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable; the word building shall include the word structure.

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

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

Building Lines: The lines that are parallel to the front, side or rear lot lines of a lot at a distance equal to the minimum setback requirements and beyond which the vertical wall of a building or structure shall not be located closer to said lot lines.

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.

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

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.

Container Storage Yard/Facility, Intermodal - A lot or parcel of land used primarily for storage of intermodal shipping containers and allowing containers to be stacked.

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, mobile homes, or travel trailers.

Dwelling, Attached: A dwelling having all or any portion of not more than one wall in common with an adjoining dwelling.

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 2 families living independently of each other.

Dwelling, Multiple-Family: A dwelling designed for occupancy by 3 or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, Townhouse or Row House: 2 or more dwelling units attached at the side or sides, each unit or which has a separate outdoor entrance and is designed to be occupied and owned by one family.

Dwelling, Zero Lot Line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be “blank” with no openings of any type allowed.

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

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

Fence: A 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 building measured from the exterior faces of exterior walls or from the centerline of walls separating 2 buildings.
Garage, Private: An accessory building or 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: Any 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 or major repairs.

Group Shelter: A residence, operated by a public or private legally approved non-profit organization which may provide a program of services in addition to room and board to persons on a voluntary basis under continuous supervision.

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

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, sanitarium, hospital asylum, orphanage, or building where persons are housed under restraint.

Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, or sale of used cars in operating condition.

Kennel: Any lot or premises on which 4 or more dogs, more than 10 weeks 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 ordinance including one main building together with its accessory building, and the open spaces and parking spaces required by this ordinance, 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 Crittenden County prior to the adoption of this ordinance.

**Lot, Corner:** A lot abutting upon 2 or more streets at their intersections.

**Lot, Double Frontage:** A lot which is an interior lot extending from one street to another and abutting a street on 2 ends.

**Lot, Interior:** Any lot which is not a corner lot.

**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.

**Mini-warehouse Storage:** Mini-warehouse storage facilities shall be deemed to include one or more permanent structures, meeting applicable City building requirements which contain separate storage units or cubicles that are intended to be leased by members of the Public. On commercially zoned land, not more than 10% of such structure or structures may be leased to a single lessee, unless specific permission is first obtained from the Board of Adjustment. Furthermore, the active utilization or any storage space or cubicle within a mini-ware house storage area for a retail or wholesale business operation on such site is expressly prohibited.

**Manufactured Home:** A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is build in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of Housing and Urban Development.

**Mobile Home:** A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than 320 square feet, and designed to be used as a year-round residential dwelling unit. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with
the design load requirements of the Building Code of the City of West Memphis, Arkansas. A mobile home which is to be placed in an approved mobile home subdivision must be placed upon poured footings and piers or perimeter foundation constructed to Building Code specifications and completely enclosed (no exposed piers); and all transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. Furthermore, all such mobile homes shall provide on-site an all-weather off-street parking space and the placement of the mobile home must be such that it conforms with all bulk and area requirements of the zoning district.

**Mobile Home Park:** Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.

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

**Nonconforming Use:** Any building or land lawfully occupied by a use at the time of passage of this Ordinance 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 3 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.

**Park:** A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City parks and recreation department.

**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 or 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.

**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 board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.
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. Said devices are herein defined as accessory uses.

School: A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, community colleges, and universities; school includes school grounds, but does not include facilities uses primarily for other purpose and incidentally as a school.

Service Station: See Gasoline Service Station.

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

Sexually Oriented Businesses/Adult Entertainment: Sexually Oriented Business means and includes any and all of the following:

A.) Adult Booth. Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

B.) Adult Entertainment Establishment. Any of the following Commercial Establishments, as defined herein:

1.) Adult Cabaret: Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:

   (a) Persons who appear Semi-Nude.

   (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

   (c) films, motion pictures, video or cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.
2.) Adult Store: Any Commercial Establishment (a) that contains one or more Adult Booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or (c) that has a segment or section devoted to the sale or display of Adult Materials.

3.) Adult Theater: Any Commercial Establishment that as a substantial or significant portion of its business features or provides (i) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or (ii) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

4.) Adult Material: Any of the following, whether new or used:

   (a)  (1) Books, magazines, periodical, or other printed matter, or digitally-stored materials; or
   (2) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

   (b) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

5.) Nude or State of Nudity: A state of dress or undress that exposes to view (i) less than completely and opaque covered human genitals; public region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (ii) human male genitals in a discernible turgid state, even if completely and opaque covered, or any device or covering that, when worn, simulates human male genitals in a discernible turgid state.

6.) Semi-Nude: A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portion of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves and socks.

7.) Specified Anatomical Area: Any of the following:
(a) Less than completely and opaquely covered human genitals; public region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

8.) Specified Sexual Activities: Any of the following:

(a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, female breasts.

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(c) Masturbation, actual or simulated.

(d) Human genitals in a state of sexual stimulation, arousal, or tumescence.

(e) Excretory functions as part of or in connection with any of the activities set forth in paragraphs a, b, c, or d of this definition.

Sign: Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

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 2 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, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
**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:** A travel trailer unit is a dependent temporary single-family dwelling 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:** A unified development under private ownership designed primarily for transient service, on which travel trailers, pickup 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.

**Truck Stop/Travel Center:** A business commonly found in conjunction with a high volume of large truck traffic and/or equipped with truck parking 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 right-or-way 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 entranceway.

**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. 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. For purposes of obtaining a Building Permit, a zoning lot must be reflective of one of the following:

1. Where the property consists of one or more entire lots in one or more recorded plats, the zoning lot shall be shown by a map of said lot or lots;

2. Where the zoning lot consists of (a) one or more portions of a lot or lots in one or more recorded plats, (b) a combination of portions of lots or entire lots in one (1) or more recorded plats, together with unplatted land, or (c) a portion of less than 5
acres of an unplatted parcel, zoning lot shall be shown as a single, entire lot in a new, recorded plat;

3. Where the zoning lot consists entirely of one unplatted parcel containing 5 acres or more, the zoning lot shall be shown by a survey made by a person authorized to make land surveys in the State of Arkansas.

4. Where the zoning lot consists of a portion of one or more unplatted parcels and contains less than 5 acres, the zoning lot shall be shown as a single entire lot in a new recorded plat that has been submitted and approved by the Planning Commission of the City of West Memphis, Arkansas, or approved by a designated agent of the Planning Commission when so authorized.

ARTICLE XI
VALIDITY AND REPEAL

SECTION 1: VALIDITY

This Zoning Ordinance 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 Ordinance shall not be affected thereby.

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

SECTION 2: REPEAL

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

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