

Amended (11/7/22)

14 JUN -5 AM 10:19

ORDINANCE NO. 99-2 OF 1999COUNTY CLERK
GRANT COUNTY, ARKANSAS
BY RRP DC

AN ORDINANCE ADOPTING THE ZONING REGULATIONS FOR THE CITY OF TULL, ARKANSAS, BY REFERENCE, RELATING TO: AUTHORITY, JURISDICTION, AND PURPOSE; DEFINITIONS; ADMINISTRATIVE PROCEDURE, AND ENFORCEMENT; GENERAL PROVISION; ESTABLISHMENT OF DISTRICTS; DISTRICT REGULATIONS; OFF-STREET PARKING AND LOADING FACILITIES; MOBILE HOMES; SPECIAL PROVISIONS.

FILED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TULL, ARKANSAS:

2023 JAN -3 PM 1:40

GERAL HARRISON
COUNTY & CIRCUIT CLERK
GRANT COUNTY, AR

SECTION 1: Zoning Regulations. That the zoning regulations for the City of Tull, Arkansas, prepared by the Tull Planning Commission and adopted on April 12, 1999, after public hearing, are hereby adopted. The map to which the regulation refer is also adopted. Three copies of the map and zoning regulations above referred to are on file in the office of the City Clerk and are available for public inspection.

SECTION 2: Penalties. Any person, firm, or corporation found guilty of violating any of the provisions of this ordinance shall be fined for such violation as provided by Arkansas Code Annotated §14-56-421.

SECTION 3: Emergency Clause. This ordinance being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety, and welfare of the City of Tull, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its adoption.

PASSED AND APPROVED THIS 12 DAY OF April, 1999.

J. W. Ramsey
J. W. RAMSEY, MAYOR

Ammended 11/07/2022

Page 25 section 3 and 10.

ATTEST:

Lisa Tull
LISA TULL, CITY CLERK

Amended & Approved 11/7/2022
Approved: William Davis
William Davis, Mayor
Attested: Brandi McDade
Brandi McDade, Recorder / Treasurer

CITY OF TULL
ZONING REGULATIONS

April 12, 1999

SECTION 1: PURPOSE, AUTHORITY, JURISDICTION

A. Purpose

The purpose of these Regulations is to set forth the procedures, requirements, and minimum standards governing the development and subdivision of land.

B. Authority

The authority for the adoption of these Regulations is granted in Act 186 of 1957, as amended, passed by the General Assembly of the State of Arkansas.

C. Jurisdiction

These Regulations shall be applicable to all land within the city limits of Tull and all unincorporated parts of Grant County that are within the planning area jurisdiction of the City Planning Commission of Tull, Arkansas as indicated on the "Planning Area Map" adopted by the Planning Commission, and on file in the office of City Clerk and County Recorder.

SECTION 2: PROCEDURE FOR SUBDIVISION PLAT APPROVAL

A. General

To obtain approval of a subdivision by the Planning Commission, the subdivider shall submit to the Planning Commission a sketch plat, a preliminary plat and a final plat of the tract or parcel of land proposed to be subdivided.

B. Pre-platting Preparation and Sketch Plat

The developer should consult with the Planning Commission prior to preparation of the preliminary Plat with respect to official plans, regulations, and design standards pertaining to subdivision development. The developer should prepare a Sketch Plat of his subdivision proposal for Planning Commission consideration and comment prior to preparations of the Preliminary Plat.

C. Preliminary Plat

(1) Procedure

The subdivider shall submit the Preliminary Plat to the Planning Commission at least seven days prior to the date of the meeting at which the Plat is to be considered.

The subdivider may submit the required improvement plans at the time the Preliminary Plat is submitted, or he may wait until after the Planning Commission has approved the Preliminary Plat before preparing and submitting the improvement plans.

(2) Planning Commission Action

When Planning Commission finds that the Preliminary Plat meets all the requirements of these Regulations, it shall approve said Plat by placing a stamp of approval upon each copy of the Plat.

(3) City Council Action

After the Planning Commission approves the Preliminary Plat, it shall transmit all copies of the improvement plans to the City Council for its approval.

(4) Authorization to Arrange for Improvements

After the Planning Commission has approved the Preliminary Plat and the City Council has approved the improvement plans, the subdivider is authorized to proceed with one of the following:

(a) Install all required improvements in accordance with the approved Preliminary Plat and improvement plans, or

(b) deposit with the City Clerk an acceptable surety bond for 100 percent of the estimated cost of installing all the improvements, as determined by the Planning Commission.

D. Final Plat

(1) Procedure

After the required improvements have been installed, or a surety bond deposited in lieu of improvements, the subdivider may proceed with the preparation of the Final Plat. The subdivider shall submit the Final Plat to the Planning Commission meeting at which consideration is requested.

(2) Planning Commission Action

Within 45 days after submittal of the final Plat, the Planning Commission shall approve, disapprove, or conditionally approve the final Plat. Reasons for disapproval must be in writing and a copy forwarded to the subdivider.

(3) Final Plat Approval for Portion of Subdivision

The Planning Commission may approve a final plat for a portion of a subdivision for which a preliminary plat has been approved.

(4) City Council-County Judge Action

After the Planning Commission has approved the Final Plat of a subdivision located within the City limits, it shall transmit a copy of said plat to the City Council for its acceptance of the dedicated streets and public easements, and required improvements, or a surety bond in lieu thereof.

(5) Authorization to File Final Plat

After the Final Plat has been approved and dedicated streets and public easements and required improvements have been accepted, or a surety bond in lieu thereof, the subdivider shall file one copy of the Final Plat in the office of the County Recorder before he may transfer title to any land in the subdivision by reference to the subdivision.

SECTION 3: PLAT REQUIREMENTS AND FEES

A. Plat Scale and Required Number of Copies

One copy of the Sketch Plat shall be presented to the Planning Commission and may be drawn free-hand at a scale of not less than one inch equals 200 feet. Six copies of the Preliminary Plat shall be presented to the Planning Commission and shall be drawn to a scale not less than one inch equals 200 feet.

Five copies of the improvement plans shall be submitted to the Planning Commission before the Preliminary Plat may be approved.

The original and five copies of the Final Plat shall be presented to the Planning Commission. The original shall be drawn at a scale not less than one inch equals 100 feet.

B. Sketch Plat Requirement

Boundary lines and legal description of the tract

Date, North arrow and scale

Acreage in subdivision

Layout of streets lots and blocks

C. Preliminary Plat Requirements

Name, address of owner and developer

Name of subdivision, city, county and state

Name of adjacent subdivisions and owners of adjacent unplatted tracts

Boundary lines and legal description of the tract

Name and seal of surveyor

Date, North arrow and scale

Acreage in subdivision

Location, names and dimensions of existing and proposed streets and utility easements of the subdivision

Lot and block numbers

Dimensions of all lot and block lines

Location and description of all subdivision monuments

Building lines with dimensions

Restrictive covenants

Certificate for plat approval by Planning Commission

D. Final Plat Requirements

All those requirements as stated for Preliminary Plat and also the following:

Certificate for approval of street dedications and utility easements by City Council

Owner's certificate and dedication

Certificate for approval by City Council of required improvements

Construction plans and specifications for water lines, valves and hydrants

Construction plans and profiles for sanitary sewers and storm drainage facilities

Plans, profiles and cross-sections of all proposed streets in the subdivision

Street surfacing plans and specifications

E. Plat Fees

There shall be no fee for the Sketch Plat. The Preliminary Plat fee shall be \$10.00. The Final Plat fee shall be \$5.00 plus \$0.50 per lot in the subdivision. All of the fees shall be paid to the Secretary of the Planning Commission, who shall deposit the fee with the City Clerk.

SECTION 4: SUBDIVISION DESIGN AND LAYOUT STANDARDS

A. Streets

(1) Location and Alignment

- (a) The character and location of all streets shall conform with official street Plan.
- (b) The alignment of local-service streets should be such that through traffic is discouraged.
- (c) Street intersections should be, insofar as practical, at right angles.
- (d) Center-line offsets of local-service streets should not be less than 150 feet.
- (e) There should be a minimum of 600 feet between intersections on a major street.

(2) Right-of-way Widths

- (a) Major streets shall have a minimum right-of-way as shown in the General Plan for Tull.

(b) Collector streets shall have a minimum right-of-way of 60 feet.

(c) Non-residential local streets shall have a minimum right-of-way of 50 feet.

(3) Cul-de-sacs and Dead-end Streets

Such streets shall provide a turn-around with a right-of-way radius of at least 50 feet, or on approval of the Planning Commission, an adequate back-around may be provided. The maximum length should not exceed 300 feet. Where permanent cul-de-sacs are not provided, street right-of-way shall be dedicated to the boundary of adjoining property in order to provide future access.

B. Alleys

In the event alleys are provided in a commercial or industrial area, they shall have a minimum right-of-way width of 20 feet.

C. Blocks

(1) Width

Blocks should be two tiers of lots in width. Where one tier of lots is permitted, the Planning Commission may require the subdivider to relinquish the right of access from the rear of the lots.

(2) Length

Blocks should have a minimum length of 300 feet and a maximum length of 1,300 feet.

D. Lots

(1) Inside City

All lots platted within the city limits of Tull shall conform the minimum lot dimensions set forth in the Tull Zoning Ordinance.

(2) Outside City

All lots platted outside the city limits of Tull shall be not less than 60 feet in width at the building line nor less than 120 feet in depth.

(3) Corner Lots

Corner lots should be not less than stated in the Zoning Ordinance.

E. Building Lines

Inside Tull city limits, building lines shall conform to the yard regulation set forth in the Tull Zoning Ordinance. Outside the city limits, the building line shall be at least 25 feet from the property line.

F. Easements and Dedications

No easement or dedication for public use shall be shown on a subdivision plat unless approved by the Planning Commission.

Where it is deemed necessary by the Planning Commission, easements not less than 20 feet wide shall be shown along the rear or side lot lines for utility purposes.

SECTION 5: REQUIRED IMPROVEMENTS

A. General

The subdivider is put on notice that within the subdivision he shall, at his own expense, grade and surface all streets, install a water supply and sewage disposal system for each lot, and provide storm water drainage improvements for the entire subdivision.

B. Street Surfacing

Streets shall be installed and surfaced in accordance with the standards for street surface widths adopted by the Tull City Council.

C. Water Supply

Where it is determined by the Planning Commission that City water and fire protection is available, each lot in the subdivision shall be supplied with water from the City water system. Where City water is not available, a private water system shall be provided for each lot and approved by the State Health Department.

D. Sewage Disposal System

Where it is determined by the Planning Commission that City sanitary service is available, each lot in the subdivision should be provided with sanitary sewer service.

Where City sanitary sewer service is not available, a private sewage disposal system should be provided for each lot and approved by the State Health Department.

E. Storm Water Drainage System

Where it is determined by the Planning Commission that it is feasible to connect the subdivision to an existing underground storm water system, then the subdivision should be provided with an underground storm water drainage system and connected to the existing system.

Where an underground storm water drainage system is not available, then the entire subdivision should be provided with an adequate surface storm water drainage system and connected to existing surface drainage facilities.

F. Monuments

Concrete monuments four inches in diameter or four inches square and 36 inches long with one-quarter inch metal rod the length of the monument should be placed with the top flush with the ground at all section or quarter-section corners within the subdivision, at the corner of every block, and at every corner or angle point on the subdivision boundary.

Metal rods three-fourths inches in diameter and 24 inches long should be placed with the top flush to the ground at points of curvature and points of tangency on street lines and at all lot corners.

The exact location of each monument shall be shown on the Final Plat.

SECTION 6: SPECIAL PROVISIONS

A. Conformance to Official Plans

A proposed subdivision shall conform to all official plans of the City that are currently in effect.

The planning Commission may require the subdivider to reserve for public acquisition all land within the boundaries of a proposed subdivision which includes or appears to include a site for a public use as shown on an officially adopted plan. The initial reservation may be for a period of 90 days from the date the plat is submitted to the Planning Commission. The Planning Commission may release the reservation if the public body responsible for acquiring the site for such public use informs the Planning Commission at an earlier date that it does not desire to have the land held for such purpose. However, if at the end of the 90-day period, conditions justify

extension of the reservation, the Planning Commission may extend said reservation for a period not to exceed nine months.

B. Suitability of Land

Land which is deemed by the Planning Commission to be unsuitable for urban development because it is subject to periodic flooding or any other reason that might increase danger to health, life, or property shall not be subdivided unless adequate corrective measures are taken by the subdivider and approved by the Planning Commission.

C. Right-of-Survey

In the event the proposed subdivision was not surveyed by a professional engineer and the Planning Commission has reason to believe the boundaries are shown incorrectly on the plat, it may have the subdivision surveyed at the subdivider's expense.

D. Special Variances

Whenever the tract to be subdivided is of such unusual size, shape, or topography, or surrounded by such development or conditions that the provisions of these Regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by an affirmative vote of a majority of the Planning Commission.

SECTION 7: GENERAL PROVISIONS

A. Enforcement

After the effective date of these Regulations, no plan, plat or replat of land located within the planning jurisdiction of the Tull City Planning Commission, as shown on the map entitled "Planning Area", Tull, Arkansas, on file in the office of the City Clerk and the County Recorder, shall be filed for record in the office of the County Recorder unless it has been approved by the Tull Planning Commission.

B. Violation and Penalty

Any person, firm, or corporation violating any of the provisions of these regulations shall for every violation thereof, be subject to penalties provided by law. Each and every day a violation is permitted to exist shall be deemed a separate offense.

C. Amendments

The City Council, by majority vote, may amend these Regulations.

D. Rules

Administrative rules may be adopted by the Planning commission to the extent that such rules are not in conflict with these Regulations.

E. Validity

Should any section or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole nor any other section, paragraph, clause, provisions, or portion of these Regulations.

F. Definitions

Alley: A minor public way which is used for easements, service, and secondary vehicular traffic access to the side of property not abutting the street.

Arterial street: A street designed primarily to provide a continuous traffic route through an urban area.

Building Line: A line parallel to the street right-of-way indicating the minimum distance from the street right-of-way line that a building or structure may be erected.

City Clerk: The City Clerk of Tull, Arkansas.

City Council: The elected governing body of Tull, Arkansas.

Collector Street: A street designed primarily to collect traffic from local streets and carry it to one or more major streets, or to other collectors, as shown in the Tull General Plan.

County Recorder: The County Recorder of Grant County, Arkansas.

Cul-de-Sac: A street having one end open to an intersection street and being terminated at the other end by a vehicular turnaround.

Easement: A grant by the owner to the public, a corporation, or persons of the use of all or part of a parcel of land for specific purposes.

Final Plat: A map of a tract of land or subdivision in a form suitable for filing with the Office of the County Recorder, along with the required supporting information and date as set forth in these Regulations, sufficient to locate on the ground all streets, lots and blocks of the subdivision.

Improvements: Street grading and surfacing, sidewalks, water lines, sanitary and storm sewers, culverts, bridges, other utilities and related items.

Local Street: A street designed primarily to provide access to abutting property and which is not designated as a collector or major street on the Tull General Plan.

Planning Area: The area of planning jurisdiction of the Tull City Planning Commission as set forth on the Tull Planning Area Map adopted by and Planning Commission and on file on the Tull City Clerk and Grant County Recorder.

Planning Commission: The City Planning Commission of Tull, Arkansas.

Preliminary Plat: The preliminary or tentative plat, plan, or layout and design of the proposed subdivision as submitted to the Planning Commission for initial consideration and preliminary or conditional approval.

Public Facility: Any type of public improvement except streets or utilities.

Public Utility: Any utility owned or operated by a public or quasi-public agency.

Sketch Plat: A general layout of a proposed plat for a subdivision of land, including boundaries, streets, blocks, and the general nature of improvements proposed, and which may be done free-hand, pencil form.

Street: A public way providing access to abutting property.

Subdivider or developer: Any person, corporation, partnership, or company proposing to create a subdivision as defined in these Regulations.

Subdivision of Land: Any division of a parcel of land into two or more lots, tracts or parcels, any one of which is three acres or less in area, or any division of land involving dedication, vacating, widening, narrowing, or change of alignment of any road, street, alley, or easement; or the resubdivision of land heretofore divided into lots, sites, or parcels, but not including exchange of land ownership where additional lots or tracts are not created.

Unplatted Land: Land not described in a recorded plat.

CHAPTER 1

AUTHORITY - PURPOSE

SECTION 1: Authority

Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City to enact a zoning ordinance and to provide for its administration enforcement, and amendment.

SECTION 2: Purpose

A. The City Council of Tull, Arkansas, deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City, to enact a zoning ordinance.

B. The City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which planning commission has divided the city into districts and has prepared regulations pertaining to such districts.

C. This zoning ordinance is designed: to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to stabilize property values; and to ensure orderly development of the community for the general welfare of the citizens.

D. This zoning ordinance provides for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

CHAPTER 2

DEFINITIONS

SECTION 1: Definitions

A. For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory, the word may is permissive.
2. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
3. The word lot includes the words plot or parcel.
4. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

B. For the purposes of this Ordinance, the following terms or words are defined as follows:

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

2. Accessory Use - A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant or resident. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed an accessory use.

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

4. Apartment House - A building arranged, intended or designed to be occupied by three or more families living independently of others.

5. Area - This term refers to the amount of land surface in a lot or parcel.

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

7. Boarding House - A dwelling unit with less than ten (10) sleeping rooms in which persons either individually or as families are housed or lodged for hire, with or without meals. A Rooming House shall be deemed a Boarding House.

8. Existing - The established fact of the use of land or structure at time of effective date of this Ordinance.

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

10. Family - One or more persons occupying premises and living as a single, non-profit housekeeping unit, provided that, unless all members are related by blood, marriage, the number of persons shall not exceed five.

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

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

13. Manufactured Home - A dwelling built after July, 1976, in factory accordance with the Federal Manufactured Home Construction and Safety Standards.

14. Mobile Home - A single family dwelling unit which has all of the following characteristics:

a. It is designed for long-term occupancy and contains a flush toilet, shower or bath, kitchen facilities, and sleeping accommodations.

b. It is designed to be transported after fabrication on its own wheels or on a flat-bed or any other type of trailer.

c. It arrives at the site where it is to be occupied as a complete dwelling unit, including major appliances and furniture and ready for occupancy except minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.

15. Mobile Home Park (Commercial) - A commercial operation where space is provided by the day, week or longer periods of time.

16. Non-Conforming - A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the District or Zone in which it is situated.

17. Open Space - Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.

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

19. Principal Use - The chief or main recognized use of a structure, of a lot, or of land.

20. Property - A piece of real estate.

21. Property Line - The line bounding a lot as defined herein.

22. Public Way - Street, alley or public property.

23. Residential Structure - A structure containing one or more dwelling units.

24. Street - A public way which affords the principal means of access to abutting properties.

25. Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walks, fences, billboards, and poster panels.

26. Structure, Single Family - A detached residence designed for or occupied by one family only.

27. Structure, Two Family - A detached residence designed for or occupied by two families, only, with separate house keeping and cooking facilities for each.

28. Structure, Multi-Family - A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

29. Use of Land - The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for

open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.

30. Warehousing - The process of storing in structures merchandise, household goods and/or agricultural products.

31. Wholesaling - Those operations that are engaged in the business of selling to retailers or jobbers rather than consumers.

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

CHAPTER 3

ZONING DISTRICTS

SECTION 1: Zoning Map

A. Zoning Map

1. The City of Tull is hereby divided into zoning districts which are shown on the Official Zoning Map, together with explanatory information thereon, is hereby adopted by reference and declared to be a part of the zoning regulations.

2. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Tull, Arkansas" together with the date of adoption of the Ordinance.

3. The Official Zoning Map shall be located on a wall in City Hall and shall be evidence for all to see.

SECTION 2: Residential Districts

The Residential Districts are intended to be developed and maintained as residential areas with very limited other land uses as stated.

USES PERMITTED

R-1 District

1. Single family dwelling
2. Multi-family dwelling - Apartments
3. Churches
4. Elementary and secondary schools including kindergartens
5. Public parks and playgrounds and open space
6. Home occupations
7. Golf courses and country clubs, occupying an area of not less than 80 acres.
8. Clubs-Lodges and Recreation Centers
9. Nursing Homes

AREA REQUIREMENTS

1. Minimum yard setbacks (in feet) from property line.

Front 25

Side 10

Rear 10

Corner lot front and side (facing street) 25

2. Minimum lot area shall be 7,200 square feet.
Minimum lot area for corner lot shall be 9,600 square feet.
3. Minimum lot width shall be 60 feet.
Minimum corner lot width shall be 80 feet.
4. Maximum lot coverage shall be 33 percent of the lot area.
5. Minimum two (2) on-site parking spaces, one covered space and one open space.

Churches - One parking space for each five (5) seats provided for its congregation.

Schools - One parking space each adult employee plus one space for every twenty (20) pupils.

Clubs, Lodges, Public Parks, Playgrounds and Recreation Centers - As determined by the Planning Commission at the preliminary plat approval of the facility.

Home Occupations - Same as residential plus one for every 500 square feet of floor area.

Golf Courses and Country Clubs, and Nursing Homes - As determined by the Planning Commission at the preliminary plat approval of the facility.

USES PERMITTED

P-District

"Neighborhood Park"

1. Open space - maintained in an orderly manner.
2. Park - for passive recreation.
3. Playground - for active recreation and picnic area.

AREA REQUIREMENTS

1. Minimum yard setback (in feet from property line)
 - Front 25
 - Side 25
 - Rear 25
 - Corner lot front and side (facing street) 25
2. Minimum lot area-none, maximum lot area two (2) acres.
3. Minimum lot width - must have entrance to a street wide enough to provide for ingress and egress for vehicles when unusual lot shapes.
4. Maximum lot coverage for buildings 33 percent, for recreational activities 100 percent.

AREA REQUIREMENTS

P-1 District "City Park"

1. Minimum yard set back (in feet from property line)
 - Front 50
 - Side 35
 - Rear 35
 - Corner lot front and side (facing street) 50
2. Minimum lot area - two (2) acres.
Maximum lot area up to 40 acres.
3. Minimum lot width shall be 300 feet.
4. Maximum lot coverage shall be 80 percent of the lot area.
5. Minimum of eight (8) percent lot area shall be for on-site parking.

USES PERMITTED

COMMERCIAL DISTRICT (C-1)

1. Public Buildings - Library, City Hall and Post Office
2. Grocery stores and meat markets
3. Banks and restaurants
4. Offices and assembly halls
5. Retail establishments providing goods and services
6. Automotive sales, service stations and garages
7. Motels and tourist homes
8. Nurseries - either landscape or children
9. Laundries - self service
10. Lumber yard
11. Shops for custom work
12. Bus and train stations
13. Machine shops
14. Mortuary
15. Recreation - billiards, pool and other public recreation

AREA REQUIREMENTS

1. Minimum yard setback (in from property line)
 - Front 25
 - Side 25
 - Rear 25 if property abuts a public way
 - Rear 10 if property abuts property
 - Corner lot front and side (facing street) 25
2. Minimum lot area 10,000 square feet
3. Minimum lot width shall be one hundred (100) feet
4. Maximum lot coverage shall be 100 percent less yard setback and on-site parking requirements.
5. Minimum on-site parking spaces one (1) space per 400 square feet of floor space.
6. Loading and unloading facilities shall be provided so as not to block any public way.

USES PERMITTED

M-1 District

MOBILE HOME PARK

MOBILE HOME PARK

A. General - In order to ensure proper placement of individual mobile homes within mobile home parks, to provide necessary off-street parking and storage facilities and to integrate such developments appropriately with their surroundings, the following design standards shall be applied. For the purpose of these regulations, all divisions of land into two (2) or more spaces for the placement of mobile homes is hereby defined as a mobile home park and shall be submitted to the Planning Commission for approval.

B. Mobile Home Parks - Parks designed to accommodate free-standing mobile homes or modular homes on separate lots for individual ownership shall conform to residential plat development standards.

C. Minimum size - Mobile home parks shall be a minimum of five (5) acres in size, including open space.

D. Mobile/Manufactured Home Design requirements

1. All mobile/manufactured homes as defined by this ordinance entering the Tull Zoning District for residential purposes after the effective date of this ordinance shall comply with the most current Federal Manufactured Home Construction and Safety Standards and the most current rules and regulations established by the Arkansas Manufactured Home Commission (AMHC).

2. The City of Tull will require all mobile/manufactured homes entering the Zoning District for residential purposes after the effective date of this ordinance to meet both state and federal construction standards such as but not limited to:

- a. Roofs shall be sloped
- b. Homes shall have continuous underpinning with a material such as metal, fiberglass, or vinyl, or similar product.
- c. Units shall be anchored in accordance with federal and state regulations.

3. All mobile /manufactured homes entering Tull Zoning District must be a minimum of 1140 square feet. No older than 3 years.

When an existing mobile /manufactured home is removed from its present location the new one must meet this code.

4. No person is allowed to connect an additional room to a Mobile/Manufactured home that is located in the Tull Zoning District.

E. Mobile Home Park Design Requirements

1. Each Mobile Home Site shall have a clearly defined lot size of Four Thousand (4000) Square Feet, with a Maximum Density of Eight (8) units per gross acre.
2. The Park shall have a minimum frontage on a dedicated public street of fifty (50) feet. The depth of the park shall not be more than Three (3) times the width of the park. For pipe-stem lots, the pipe-stem shall not be more than Three-Hundred Thirty (330) feet in length. Mobile home parks with a pipe-stem lot configuration greater than Three-Hundred Thirty (330) feet in length must provide a dedicated street to provide access to the property.

3. A twentyfive' (25) foot side and rear yard shall be provided around the parks. For parks abutting an expressway, freeway, or occupied mainline railroad, a Fifty (50) foot side and rear yard shall be provided.

4. The minimum width of a Mobile Home at the platted setback line shall be Forty (40) feet, and the minimum depth shall be One Hundred (100) feet. In the case of a corner space, the minimum width shall be Sixty (60) feet.

5. The minimum separation between individual mobile homes shall be Twenty (20) feet.

6. The minimum setback from any service easement shall be (20) feet.

7. Open unenclosed awnings and carports may occupy only Forty-five (45) percent of the required minimum spacing between Mobile Homes.

8. Each Mobile Home space shall be provided with a minimum of Two (2) 9' X 20' paved parking spaces located on the Mobile Home space.

9. NO Mobile Home space having double frontage shall take access on a dedicated public street.

10. The Town of Tull will not allow spaces for RV's to be used as residences except on Property owned by owner of RV no rent spaces allowed.

F. Service Easement - A platted fifty (50) foot wide service easement with a minimum of twenty-seven (27) feet of pavement shall be provided adjacent to all mobile home spaces. A service easement cul-de-sac shall have a paved turnaround of not less than an eighty-foot (80') diameter.

G. Screening - Mobile home parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Planning Commission. Fences shall be of wood, masonry or metal construction, having a height of not less than six (6) feet. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted. Screening shall meet sight distance requirement as established by existing city ordinances.

H. Recreation Space - Common recreation space shall be provided at the rate of five hundred (500) square feet per mobile home. Minimum size of any recreation space shall be five thousand (5,000) square feet. All required recreation areas shall be located back of the required setback lines. All recreation areas shall be solely used for recreational purposes.

I. Storage Facilities - A paved storage area shall be provided at a central location at the rate of fifty (50) square feet per mobile home for the outdoor storage of boats, campers and similar vehicles.

J. Utility Installations - Each mobile home site shall be provided with a wastewater outlet and a water connection. All utility installations shall meet the requirements established by the subdivision rules and regulations and shall be provided for each mobile home.

K. Improvements - Every park owner shall be required to install at his own expense or have installed by the appropriate public utility the following improvements:

1. All surfaces subject to vehicular traffic shall be paved, according to the standards of existing city ordinances.

2. Accommodations for on-site fire hydrants shall be provided by the installation of necessary means, T's, and cut-off valves as required by existing city ordinances.

CHAPTER 4

GENERAL REGULATIONS

SECTION 1: Completion of Existing Buildings

A. Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of this Ordinance.

B. 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 120 days after adoption of this Ordinance.

SECTION 2: Annexed Area

A. Territory annexed to the City of Tull after adoption of this Ordinance shall be given district designations within 90 days after the effective date of annexation in accordance with the amendment procedures of this Ordinance.

B. Before official district designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

SECTION 3: Areas Not to be Diminished

A. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this Ordinance, shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4: Occupations Permitted in Residential Structures Utilized for Residential Purposes in Residential Districts

A. An occupation may be carried on in a residential structure in a residential district only if the following are complied with:

1. It does not involve the use of commercial vehicles operating from the residence.
2. It does not require the use of more than two rooms otherwise normally considered as living space.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
4. It does not have a sign in excess of two square feet to denote the business, occupation, or profession, and such sign must be attached to the structure.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on only by a member of the family residing in the dwelling unit.
7. The occupation must be of a nature that does not cater to the day to day needs of the general public, i.e., the merchandising of convenience goods, such as groceries, sundries, etc.

B. Occupations carried on in a residential structure or accessory building in a residential district at the time of the adoption of this Ordinance must comply with the regulations established in Section 4A of this chapter, and all other laws on existence within two years of the date of the passage of this Ordinance or said business, occupation, or profession shall be deemed in violation of this Ordinance.

SECTION 5: Non-Conforming

A. Intent

1. Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed, but which would be prohibited, regulated, or restricted under the terms of this Ordinance.

2. Such uses are declared to be incompatible with permitted uses in the districts involved.

B. Non-Conforming Use of Land

1. Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed, but which would be prohibited, regulated, or restricted under the terms of this Ordinance.

2. If any such non-conforming use of land ceases for any reason for a period of more than 30 days, 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. Any change in use must be to a conforming one.

C. Non-Conforming Structures

1. When a lawful structure exists at the effective date of this Ordinance that could not be built under the requirements of this Ordinance by reason of restrictions on area, lot coverage, 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 of this Section.

2. Any structure or portion of structure declared unsafe by a proper authority may be restored to a safe condition.

3. No such structure may be enlarged or altered in a way which increases its non-conformity.

D. Non-Conforming Uses of Structures

1. If a lawful use of a structure, or of structures and land in combination, exists at the effective date of this Ordinance, that would not be allowed in the district under the requirements of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions of this Section.

2. Any non-conforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption of this Ordinance.

3. If no structural alterations are made, a non-conforming use of a structure, or structure and land, may be changed to another non-conforming use provided that the planning commission, either by general rule or making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

4. Once changed to a conforming use, the non-conforming use may not thereafter be resumed.

5. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than 66 2/3 percent of its replacement cost at time of destruction, the owner may request permission of the Board of Adjustment to reconstruct the structure and to continue the non-conforming 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.

6. When a non-conforming use of a structure is discontinued for 12 consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Repairs and Maintenance

1. Any building devoted in whole or in part to any non-conforming use may have ordinary repairs, or repair and replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not to exceed 10 percent of the replacement value of the building in any twelve-month period, provided that the size of the building is not increased.

2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 6. Park Land Dedication for Subdivision Development

A subdivision shall mean the development of ten (10) or more residences. It is required that the developer set aside an area for public park purposes as recommended and approved by the City Planning Commission. In subdivision developments of 100 residences or more the developer shall also set aside lands for public school purposes designated by the City Planning Commission which will conform to the logical development of the City.

SECTION 7: Board of Zoning Adjustment

A. Designation

1. Designation of zoning adjustment, hereafter referred to as the Board, shall consist of two members of the City Council, two members of the City Planning

Commission and the City Attorney.

2. The Board shall, upon its creation, meet, organize and elect its own Chairman who shall serve for one (1) year.

B. Meetings

1. Meetings shall be held at such times as the Board may designate and be on call of the Chairman. They shall maintain minutes of their proceedings, which shall be public record.

2. The Board shall hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause UNDUE hardship as a result of circumstances unique to the individual property under consideration. The granting of such variance may be granted only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.

3. The presence of three (3) members shall be necessary to constitute a quorum and the concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination in favor of the applicant on any matter which is a variance from the zoning ordinance.

4. The Board shall not permit, as a variance, any use in a zone that is not permitted under the ordinance.

5. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

6. The applicant for a variance to the Board shall have caused to have published, at the expense of the applicant, a notice of the time and place of a public hearing upon such appeal and further, the notice shall be published at least 14 days preceding the date of such hearing in an official paper of general circulation. The notice will designate the location of the appeal and a brief statement of what the appeal consists. The Board shall give notice of such hearing to interested persons, organization and adjacent property owners of the appeal.

7. An applicant shall be required to reimburse the City of Tull for all costs incurred by the public hearing.

SECTION 8: Enforcement, Penalties, Severability

A. Enforcement

These provisions of the ordinance shall be administered by an enforcement officer as designated by the Mayor with approval of the Tull City Council.

The enforcement officer shall issue building permits in accordance with the ordinance. Building permits will be issued, at cost as set by the Planning Commission, when the applicant shows a plan, drawn to scale with actual dimensions of the property to be built upon, size of structure, location on lot and all other information as requested by the enforcement officer to be in compliance with the ordinance. Records shall be kept by the enforcement officer.

The enforcement officer shall also maintain the zoning ordinance as to existing land and buildings requiring the owners to maintain such lands and buildings in compliance with the zoning ordinance and notify those violators.

B. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any of the requirements by building or altering any building shall be guilty of a misdemeanor and shall be liable to a fine as set down by the court. Each day of violation shall constitute a separated offense.

C. Severability

The provisions of these regulations are hereby declared to be severable. Should any section, sentence or clause of these regulations be held invalid, that invalidity shall not affect the validity of any part of the remainder of the said regulations.