

City of Highland

ZONING REGULATIONS

Adopted by Ordinance Number 00-II, December 12, 2000

Revision Adopted by
Ordinance No. 2024-02 04/09/2024

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Prepared by
the Highland Planning Commission
with the assistance of
White River Planning & Development District

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ORDINANCE Number 2016-02
CITY OF HIGHLAND, ARKANSAS
AN ORDINANCE RELATING TO THE AMENDMENT OF ZONING REGULATIONS
FOR THE CITY OF HIGHLAND, ARKANSAS AND FOR OTHER PURPOSES

WHEREAS, the City of Highland, Arkansas, has adopted zoning regulations for the orderly development of the city and the protection of the citizens of Highland, Arkansas, and their property, and

WHEREAS, the Planning and Zoning Commission of the City of Highland, Arkansas, held a public meeting on February 2, 2016 for the purpose of considering proposed amendments and modifications of the zoning regulations adopted by the City of Highland, Arkansas, and

WHEREAS, the Planning and Zoning Commission has recommended that the City Council of the City of Highland, Arkansas, approve the zoning regulations as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND, ARKANSAS:

Section 1: Zoning Regulations. That the amended zoning regulations for the City of Highland, Arkansas, prepared by the City of Highland Planning and Zoning Commission and adopted by it on February 2, 2016, after a public hearing was held on February 2, 2016, are hereby adopted. Three copies of the zoning regulations as amended are on file in the office of the City Recorder and are available for public inspection.


Section 2: Penalties. Any person, firm or corporation found guilty of violating any of the provisions of the Zoning Regulations of the City of Highland, Arkansas, shall be fined for each such violation. Any person, firm or corporation who shall violate the provisions of the zoning regulations as adopted or fail to comply with any of the requirements thereof, or who shall build or move or alter any building or structure in violation of the detailed statement of plans submitted and approved under the zoning regulations shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building, structure or premises, or part thereof, where anything in violation of the zoning regulations shall be placed or shall exist, and any architect, builder, contractor, agent, engineer, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

Section 3: Emergency Clause. This ordinance being necessary for the continued planning of the City of Highland, Arkansas, and for the orderly development of the City and the protection of the citizens of the City and their property from unregulated and uninspected construction, and such planning being necessary for the preservation of the health, welfare and safety of the citizens of the City, the City Council of the City of Highland, Arkansas, recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Highland, Arkansas, shall be in full force and effect from the date of its adoption.

PASSED AND ADOPTED this the 8 day of March, 2016.


Russell Truitt, Mayor

ATTEST:


Mary Wiles, Recorder/Treasurer



ARTICLE I

CITATION, PURPOSE, NATURE AND APPLICATION

Section 1.01.0. Citation

These regulations, enacted pursuant to the authority granted by Act 186 of the 1957 Acts of Arkansas, as amended, shall be known as the Zoning Regulations and may be cited as such.

Section 1.02.0. Purpose

The zoning regulations set forth herein are enacted to implement the land use portion of the General Development Plan for the City of Highland and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Highland, Arkansas; and to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of buildings, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 1.03.0. Nature and Application

For the purposes hereinbefore stated, the City has been divided into zoning 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. The provisions of these regulations shall be considered 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 within Highland's corporate limits shall hereafter be considered for approval by the 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 these regulations.

Section 1.04.0. Priority of Contracts

It is not the intention of this regulation to defeat the purposes of any contract, deed, restriction, or protective covenant when such instrument is not consistent with this regulation or contains stricter requirements. In the event this regulation conflicts with other ordinances, rules and regulations adopted by the City of Highland, or laws enacted and enforced by the State of Arkansas or the U. S. Government then, the stricter provisions shall apply.

Section 1.05.0. 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 these regulations. 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 thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within ninety (90) days after adoption of these regulations.

Section 1.06.0. Area Not to be Diminished

The lot or yard areas required by these regulations for a particular building or use at the time of adoption of these regulations or later constructed or established, shall not be diminished and shall not be included as part of the required lot, open space, or yard areas required by these regulations 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 these regulations.

ARTICLE II DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

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

Abutting:	Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.
Access:	The way or means by which a piece of property is approached or entered.
Accessory Buildings:	An accessory building is a subordinate building or a portion of the main building, the use and uses of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulations) 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.
Addition:	Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
Alley:	A permanent public service way which affords only a secondary means of access to abutting property.
Apartment:	See Dwelling, Multiple.
Authorized Agent:	A person or persons authorized by the landowner to act in his behalf.
Billboard:	See Sign, Billboard.
Buildable Area:	The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.
Building:	Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a construction that is safe and stable; the word building shall include the word structure.
Building, Attached:	A building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.
Building, Detached:	A building having no wall, roof, floor, or other structural element in common with another building.

Building, Coverage:	The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
Building, Façade:	The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other-side of the building.
Building, Height:	The vertical distance as measured though central axis of the building from the elevation of the lowest finished floor to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mea height level between the eaves and ridge of a gable, hip, or gambrel roof.
Building, Line:	A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the set back or yard line.
Building, Nonconforming:	An existing building which fails to comply with the regulations (for height, size, area, yards, and location) set forth in these regulations applicable to the district in which this building is located.
Building, Principal:	A building in which is conducted the main or principal use of the lot on which said building is situated.
Certificate of:	Official certification that a premise conforms to provisions of the regulations (and Occupancy: Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
City:	The City of Highland, Arkansas
Child Care Facility:	<p>For the purposes of these regulations, a "child care facility" is any facility which provides training, education or supervision for any unrelated 'nor child for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. Such a facility may or may not be licensed by the State. This definition shall not include:</p> <ol style="list-style-type: none"> 1. public and private schools organized, operated or approved under the laws of this State; 2. custody of children fixed by a court of competent jurisdiction; 3. children related by blood or marriage within the third degree of the custodial persons; or, 4. churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities, 5. businesses that set aside a portion of their facility for the care and supervision of the children of employees. Such a service shall be incidental to the primary operations of the business and be provided exclusively as a service and convenience to employees of the business.
Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.
Child Care, Home Based Center:	For the purposes of these regulations, a "home based child care center" is a privately operated child care facility where children are cared for in a caregiver's own family

	residence and which receives less than sixteen (16) minor children. Such a facility may or may not be licensed by the State.
Clinic, Dental Medical:	A facility for the examination and treatment of ill and afflicted human out-patients.
Commission:	The Highland Planning Commission.
Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article III of these regulations.
Convalescent Home:	See Nursing Home.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.
Country Club:	A chartered, non-profit 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.
Day Care Facility:	Synonymous with Child Care Facility.
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 Use:	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. The "living quarters" must contain spaces for bathing, sleeping, meal preparation, and eating.
Dwelling, Attached:	A dwelling having any portion of one or more walls in common with adjoining dwellings.
Dwelling, Detached:	A dwelling having open space on all sides.
Dwelling, Single Family:	A dwelling designed to be occupied by one family.
Dwelling, Two Family:	A dwelling designed to be occupied by two families living independently of each other.
Dwelling, Multiple Family:	A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort-type hotels.
Dwelling, Townhouse or Row House:	Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
Dwelling Unit:	A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

Easement:	A right-of-way or parcel of land specified or set aside, for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.
Enforcement Officer:	That individual designated by the City to enforce the requirements set forth in these regulations.
Family:	One or more persons related by blood or marriage, including adoptee\ children, or a group of not to exceed four (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 man-made barrier constructed to provide privacy or visual separation between one ownership and another.
Floor Area:	The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.
Garage, Private:	An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant 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:	Any building, structure or land used primarily for the dispensing and sale of fuels, Stations: oils, accessories, or minor maintenance and repair services, but not including painting, major repairs, or automatic washing facilities.
Home Occupation:	<p>Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises, and not more than two persons are engaged in such occupation. Home occupations may include:</p> <ol style="list-style-type: none"> 1. Custom dress making, millinery, tailoring, sewing or similar uses not involving more than two (2) customers at a time; 2. Fine arts studios which are created only individual works of art; 3. Fabrication and/or assembly of handicraft items not involving heating, refining, chemical, or similar process, not involving more than two (2) customers at a time; 4. Teaching or tutoring, including music, dancing, speech, or other arts with instruction limited to four pupils at a time; 5. Professional services (engineer, consultant, architect, accountant or similar professional person but not including any medical service) involving not more than one client at a time; <p>The term "home occupation" shall not be interpreted to include:</p> <ol style="list-style-type: none"> 1. Commercial stable or kennel; 2. Retail sales of any kind; 3. Barbershop or beauty parlor;

4. Tearoom, tourist home or any other room for hire;
5. Veterinary clinics or offices;
6. Commercial repairing of vehicles

Section 5.07.0 contains the requirements governing home occupations.

Hospital:	An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
Hotel:	A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
Kennel:	Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.
Loading Space: (Off Street)	An unobstructed, hard-surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.
Lot:	A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive.
Lot Area:	The total horizontal area included within the lot.
Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.
Lot, Double:	A lot having frontage on two non-intersecting streets.
Lot, Interior:	A lot other than a comer lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a comer lot, each line separating such lot from the street shall be considered a front lot line.
Lot Line, Rear:	That property boundary line which is generally parallel to and most distant from the front line of the lot.
Lot Line, Side:	A lot line other than a front or rear lot line.
Lot Lines:	The property boundary lines.
Lot of Record:	A parcel of land that is a lot in a subdivision recorded on the records of the Sharp County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Width:	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.
Manufactured Home:	A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-of-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 built 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 America and as administered by the United States Department 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 three hundred twenty (320) square feet, and designed to be used as a year round residential dwelling unit, and/or which does not bear the seal certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards Code. 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 Highland, Arkansas.
Mobile Home Park:	Land or property containing a minimum of three (3) 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 accommodations for transient guests.
Nonconforming Building /Structure:	Any building or structure lawfully existing on the effective date of these regulations, as amended, which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.
Nonconforming Use:	Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located.
Nursery:	See Day Care Facility.
Nursing Home:	Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.
Open Space:	Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
Parking Lot:	An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.

Parking Space:	An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (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'.
Permitted Use:	Those uses specifically listed in these regulations as allowed without any further review by the planning commission or city council.
Pet Shop:	A commercial operation in which small domestic pets and supplies are sold. This does not include outside boarding of such animals. The operation shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features, and the business shall be operated in a manner that will not adversely affect other properties and uses in the area.
Plan:	A fully dimensioned drawing which illustrates in detail all elements of a development proposal included, but not limited to, property lines, streets, easements, structural element and landscaping.
Plat:	An engineering drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.
Principal Use:	The use which fulfills the primary function of an establishment, institution, household, or other entity.
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.
Reclassification:	An amendment to or a change reflecting a modification of the zoning district boundary map.
Recreational Vehicle Park:	A temporary use, intended for overnight parking of non-residential recreational vehicles. For the purposes of these regulations, "temporary" is defined as thirty (30) days or less. Such parks are permitted only in C-1 Highway Commercial zone.
Residence:	<p>A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:</p> <ul style="list-style-type: none"> (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or (b) Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations, or (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions or buildings used for community facility uses.
Rest Home:	See Nursing Home.
Right-of-Way, Public:	An Area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.
Rooming House:	A structure containing three (3) or more sleeping rooms available to transient occupants on a periodic rental basis which contains common bathing and toilet facilities and a common kitchen and congregate dining hall.

Service Station:	See Gasoline Service Station.
Setback:	Distance between lot line and the building line.
Sign:	A sign is 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 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.
Sign Area:	The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.
Sign, Billboard:	"Billboard sign" means a free-standing or attached outdoor advertising structure promoting any business, product, service, industry or use other than that performed on the property on which the sign is placed. The billboard may or may not be illuminated and may be any size up the maximum size permitted by these regulations.
Sign, Business:	"Business sign" means a sign directing attention to a business, commodity, service or other activity conducted on the premises upon which the sign is located.
Site Plan Review:	The process whereby the Planning Commission and staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of Articles III, VII, and X of these regulations.
Special Use:	A use of land or structure which, upon satisfying certain requirements, may be permitted or approved by the Enforcement Officer. Special uses are normally temporary in nature or of such a nature as to have no, or limited, impact on surrounding land uses.
Story:	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (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 wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Trailer Court:	See Mobile Home Park.

Use:	A purpose to which land is committed.
Variance:	An exception from the strict application of the provisions of these regulations.
Yard, Front:	The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the roof overhang of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.
Yard, Rear:	The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building. The building shall be measured from the roof overhang.
Yard, Side:	The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.
Yard, Exterior:	Any yard which is adjacent to or parallel to a public or private right-of-way.
Yard, Interior:	Any yard which does not run adjacent to or parallel with a public or private right-of-way.
Zoning District:	A section of the city designated in the text in which requirements for the use of land and building and development standards are prescribed.
Zoning District Boundary:	That boundary which separates unlike zoning district.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 3.01.0. Enforcement Officer

The provisions of these regulations shall be administered by an Enforcement Officer designated by the Mayor. (S)he may be provided with the assistance of such other persons or departments as the City Council may direct.

Section 3.02.0. Building Permit

The City will issue a building permit for either the new construction or renovation of a building within the corporate limits of the City of Highland only when the application has been approved by the Enforcement Officer as meeting the requirements of these regulations.

All applications for building permits shall be on such form or forms as may be necessary to provide for the proper administration of these regulations. A record of such application shall be filed at City Hall.

Section 3.03.0. Certificate of Occupancy

No building hereinafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Enforcement Officer, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. A record of all Certificates of Occupancy shall be maintained at City Hall.

A Certificate of Occupancy may be revoked by the Enforcement Officer when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offense and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

Section 3.04.0. Violations

3.04.01. Enforcement Responsibilities

A. If the Enforcement Officer shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

B. Should the person responsible for such violations fail to take the necessary action to correct it, the Enforcement Officer shall notify the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcement Officer. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

3.04.02 Penalty for Violation

Any Person or corporation who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars (\$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 these regulations shall be placed, or shall exist; and any architect builder, contractor, agent, engineer, person or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

Section 3.05.0 Amendment

3.05.01 Amendment to Text

A. The City Council may recommend to the Commission revisions or amendments to the text of these regulations, or the Commission may on its own motion initiate amendments.

B. Proposed amendments to the text shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Commission. After the public hearing, the Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text.

C. The City Council may:

1. Return the proposed amendment(s) to the Commission for further study and recommendation; or,
2. Deny the recommendation(s) of the Commission; or,
3. Adopt by ordinance, in whole or in part, any recommended amendment(s) submitted by the Commission.

3.05.02 Amendment to the Official Zoning Districts Map

A. Amendments to the Official Zoning Districts Map may be initiated by the City Council, the Commission, or one or more persons who own property for which a change in classification is requested.

B. If an amendment to the Official Zoning Districts Map is requested by a property owner, such request shall be presented to the Commission via an application in such form as the Commission shall require. At a minimum, the application shall be submitted to the Commission by the property owner or his legally designated agent, at least seven (7) days prior to a meeting of the Commission, providing information regarding the:

1. legal description of the property(ies) involved;
2. current zoning classification of the property(ies);
3. zoning classification being requested for the property(ies);
4. a statement explaining the reasons for requesting the proposed changes;

5. a map displaying the property and other properties within 200 feet of the proposed change(s), including the names and addresses of all affected property owners; and,
6. such other information as the Commission may reasonably require.

C. Whenever the Commission has completed appropriate studies, or upon receipt of the completed application for a change in zoning classification, the Commission shall proceed as follows:

1. The Commission shall set a date for a public hearing;
2. The Commission shall cause notice of the public hearing to be published in a newspaper of general circulation, at least one time fifteen (15) days prior to the hearing;
3. If the request for an amendment to the Official Zoning Districts Map is requested by a property owner:
 - a. The Enforcement Officer shall post of a sign or signs on the property(ies) for which a change in classification is requested. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time and location of the public hearing at which the request will be heard. The sign will be posted at least 15 days in advance of the public hearing, in such a manner as to be clearly and readily visible to adjoining properties: and,
 - b. The applicant shall notify all property owners within a 200 foot radius of the property(ies) boundaries. Such notice shall include, but not be limited to, information about the nature of the proposed zoning classification request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
4. The Commission shall conduct a public hearing, during which opponents and proponents of the proposed reclassification may speak. Prior to opening the hearing, the Commission shall be provided with evidence that all procedural requirements, including notification of affected property owners, have been satisfied;
5. At a regular or called meeting following the public hearing, the Commission shall, by majority vote of those present, deny or recommend approval, in whole or in part or in modified form, the proposed change in zoning classification.
6. If the Commission recommends approval of the request for a change in zoning classification, it shall submit a written recommendation to the City Council, stating the basis for its recommendation. A copy of this recommendation shall be provided to the applicant(s) within fifteen (15) days from the date of the decision.
7. The City Council, by majority vote, may:
 - a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 - b. return the proposed change to the Commission for further study and recommendation; or,

- c. deny the recommended change.
8. If the Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such disapproval to the city council, provided that the applicant states specifically in writing to the city clerk why (s)he considers the Commission's findings and decisions to be in error. Such appeal shall be filed with the city clerk within fifteen (15) days after the date the commission sends written notice to the applicant.
 - a. An application for a change in zoning classification that has been denied by either the Commission or City Council will not be reconsidered by the Commission for a period of six (6) months of elapsed time from the date of final disapproval by either the Commission or City Council, unless the Commission determines through three-fourths (3/4) majority vote of the members present at the meeting that a substantial reason exists for waiving this mandatory waiting period.
 - b. Subsequent to any approval by the City Council of any change in zoning district classification(s) the City Clerk shall be responsible for revising the Official Zoning Districts Map.

Section 3.06.0 Conditional Uses

3.06.01 Purpose

The purpose of this section is to establish the procedures for processing conditional use applications and to establish standards by which such uses may be allowed. These regulations recognize that certain uses may or may not be appropriately located in various districts throughout the City in light of their unusual or unique characteristics of operation and/or external effects. The conditional uses listed under the various zoning district classifications are so classified because they more intensely dominate the area in which they are located than do other uses uniformly permitted in the respective district. However, the nature of such a special use makes it desirable that it be permitted to locate within the designated district, but only so long as various standards and protective restrictions are satisfied.

The Commission shall hear and approve or disapprove only those uses which are specifically listed as conditional uses in the respective zoning classifications. After detailed review of a specific use's compatibility with the area and the specific treatment of screening, landscaping and other amenities provided to protect the integrity of the neighborhood, the Commission shall have final authority, subject to the right of appeal to the City Council.

3.06.02 Review Standards

In carrying out the purposes of this Section, the following development standards and design criteria shall form the primary basis for conditional use review and approval. The Planning Commission and the City Council shall determine the appropriateness of these standards and criteria as they are applied to each specific special use permit location.

1. The proposed special use is so designed, located and proposed to be operated that the public health, safety and welfare will be preserved and enhanced.
2. The proposed land use is compatible with other properties in the area in which it is to be located and will not adversely affect them.
3. The proposed use is specifically identified as a conditional use for the zoning district within which it is located.

4. The proposed use conforms to all applicable provisions of these regulations for the district in which it is to be located, and the use facilitates public convenience at the specific location.
5. The size and shape of the site and the size, shape, and arrangement of proposed or existing structures are in accordance with the specifics of these regulations for the zoning district in which the special permit use is located.
6. The internal street system, ingress and egress proposed off-street parking, off-street loading, and proposed pedestrian ways are adequate for the intended use and in light of the specific requirements of these regulations.
7. The proposal includes adequate safeguards against noxious or offensive emissions, noise, glare, dust and odor.
8. Proposed signage will be in accordance with the sign provisions of Article XII of these regulations.

3.06.03 Procedural Requirements

A. A conditional use shall not be granted by the Commission unless and until:

1. A written application for a conditional use is submitted, on such form or forms as the Commission may direct, providing such information as the Commission may require. Such application shall be submitted to the Enforcement Officer at least twenty-one {21} days prior to the date of the public hearing. As a minimum, the application shall provide information regarding; the applicable section(s) of these regulations on which the conditional use is authorized and requested a map or drawing showing the location of the proposed use;
 - a. the applicable section(s) of these regulations on which the conditional use is authorized and requested;
 - b. a map or drawing showing the location of the proposed use;
 - c. the site and its dimensions, setbacks from property lines;
 - d. existing land uses, as well as the names and addresses of all property owners within two hundred (200) feet of all perimeter boundary lines;
 - e. a generalized graphic representation of what is proposed including screening, landscaping, parking, access and location of the building or buildings; and,
 - f. a narrative description as to the intent of the proposed use.

Further action shall not be taken until the application has been approved as complete by the Enforcement Officer, and the required fee has been received by the City Clerk.

2. The Commission shall cause to have published a notice of the public hearing. Said notice shall be given at least fifteen (15) days in advance of public hearing in an official paper or a paper of general circulation in Highland.
3. The applicant shall notify all property owners within a 200 foot radius of the property boundaries prior to the hearing. Such notice shall include, but not be limited to, information about the nature of the proposed conditional use request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.

4. The Enforcement Officer shall post a notice of such hearing on the property for which conditional use is sought, at least fifteen (15) days prior to the public hearing.
5. The public hearing shall be held. Any party may appear in person, or by agent or attorney. Prior to opening the hearing, the Commission shall determine that:
 - a. it is empowered under these regulations to consider the conditional use described in the application; and,
 - b. all procedural requirements have been met, including the submission of a complete application and proper notification of affected persons.

If the Commission determines that it is not authorized to consider the request, or if it determines that any procedural requirement has not been met, it shall not conduct the public hearing.

6. At a regular or called meeting following the public hearing, the Commission shall, by majority vote, take one of the following actions:
 - a. Approve the conditional use as submitted;
 - b. Approve the conditional use with modifications;
 - c. Defer the conditional use;
 - d. Deny the conditional use.

The Commission may impose conditions and restrictions upon the premises benefitting by the conditional use approval as may be necessary to reduce or minimize the injurious effects of the conditional use. In making its decision, the Commission shall be guided by the review standards defined in Section 6.2 above.

7. The Planning Commission shall transmit a written notice of its decision to the applicant within fifteen (15) days of the meeting at which the application was considered.

The decision of the Commission, with respect to any application for a conditional use, shall be final, unless an appeal is made to the City Council. Said appeal shall be in writing and filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice of approval with modification or denial to the applicant. The sole basis for such appeal shall be an assertion that the Commission's findings and decisions were in error.

Section 3.07.0 Special Use Permits

The Enforcement Officer may issue Special Use Permits, for authorized special uses enumerated in Articles VI, VII, VIII, IX, or X, and Section 5.14.0.

Section 3.08.0 Fees

The following schedule of fees shall apply to the actions described below.

Amendments to a zoning district boundary:	\$50.00
Certificate of Occupancy	\$10.00
Conditional Use:	
1. General	\$50.00
2. Planned Unit Development Review	\$50.00
Special Use Permit:	\$ 25.00
Variance:	\$ 50.00
Appeal of Enforcement Officer decision	\$ 25.00

Under no condition shall any sum, or any part thereof, be refunded for failure of the City to approve any application.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Section 4.10.0 Zoning Districts Established

For the purpose of these regulations, the City is hereby divided into land use zoning districts, as follows:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- C-1 Highway Commercial
- I Industrial

Section 4.02.0 Zoning Districts Map

The location and boundaries of the land use zoning districts established by these regulations are delineated 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 these regulations 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 Monday-Friday during normal business hours.

Section 4.03.0 Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
5. In circumstances not covered by the preceding rules, the Board of Adjustments shall interpret the district boundaries.

Section 4.04.0 Annexed Lands

4.04.01 Boundaries

The boundary line of a land area proposed for annexation to the City of Highland shall be drawn in such a manner as to include the entire width of any adjacent or contiguous public rights-of-way or easements, in contrast to a location of the centerline or along the interior side of the right-of-way or easement.

4.04.02 Zoning Classification(s)

The zoning district classification(s) of any new additions and annexations of land to the City of Highland after adoption of these regulations shall be established in one of two ways:

A. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 3.0.5.02. shall be followed.

B. In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as R-1 Low Density Residential and subject to the requirements of that classification upon the effective date of said annexation.

Such classification shall be valid for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year of time, the City Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with any applicable plans adopted by the City of Highland. The procedures governing amendments to the Zoning Districts Map at Section 3.05.02. shall be followed.

Section 4.05.0. 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.

<p style="text-align: center;">ARTICLE V GENERAL DISTRICT PROVISIONS</p>
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Section 5.01.0 Accessory Buildings

5.01.01 Definition.

Accessory buildings and uses are permitted in each of the districts described herein, but only in cases where all the standards and criteria of this section are satisfied. A building or use is "accessory" when it:

1. is subordinate to and serves a principal building or principal use; and,
2. is subordinate in area, extent, or purpose to the principal building or principal use served; and,
3. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and,
4. is operated and maintained under the same ownership as the principal permitted use and,
5. is located on the same zoning lot as the principal building;

5.01.02. Coverage Limitations.

Accessory building(s) or structure(s) may be built within a required rear yard when located at least five feet (5') from the rear or side lot lines and is not located within any public easement.

Section 5.02.0. Child Care Facilities

5.02.01. Where Permitted

1. Child Care Center. A child care center may be located, as a conditional use, in any commercial district.
2. Child Care Home Based Center. A home based child care center may be located, as a conditional use, in any residential district.

5.02.02. Requirements for a Home Based Child Care Center.

In addition to the general standards for reviewing a conditional use, such facilities shall meet the following criteria:

1. The center shall be located in the single-family dwelling which is the permanent residence of the operator or caregiver and shall be operated in a manner that will not change the character of the residence.
2. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features; and,
3. The Center shall be operated in a manner that will not adversely affect other properties and uses in the area.

Section 5.03.0. Erection of More than One Principal Structure on any Lot

A. In any residential district, only one principal structure and its customary accessory buildings shall hereafter be erected on any lot, except as provided in subsection C.

B. Where an accessory structure is attached to principal structure in a substantial manner, or the equipment of said structure includes a sink, cook stove, or other kitchen facilities for the independent occupancy thereof, this shall be prima facie evidence that such building is not an accessory structure, but a separate dwelling which must meet all the standards of lot area and yard requirements of the district in which it is located.

C. Separate residential units to be occupied by a member or members of the primary structure resident's immediate family (parents or children) are permitted. Such structures must comply with all district site and parking standards and other relevant state or local regulations.

Section 5.04.0. Interpretation of Uses

Section 5.05.0. Home Occupations

An occupation may be carried on in a residential structure in any residential district only if:

1. It does not involve the use of commercial vehicles operating from the residence.
2. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.
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. When a State Statute or Regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized with the approval of the Board of Zoning Adjustment.
4. It does not have a sign in excess of four (4) square feet solely to identify the business, occupation or profession, and such sign must be physically attached to the structure.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on by the occupant of said residence; and it must not involve more than two (2) employees, one (1) of whom shall be the occupant.
7. It meets the definition of "Home Occupation" at Article II.

Section 5.06.0. Flammable Liquids and Gases

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

Section 5.07.0. Exceptions to Height Requirements

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, necessary mechanical apparatus or other structures not intended for human occupancy or use may be erected to any height not in conflict with any other ordinance of the City.

Section 5.08.0. Mobile Homes

The parking or placement of an individual mobile home as the principal residential structure on an individual lot is not permitted in any zoning district, except as a nonconforming use subject to the provisions of Article XIII. A mobile home may be placed or parked as a temporary structure or accessory use through the Special Use Permit process described in Section 3.07.0.

Section 5.09.0. Service Station Pumps

Service station pumps and pump islands may occupy the required yards, provided however, that they are not less than fifteen feet (15') from all property lines.

Section 5.10.0. Storage and Parking of Trailers

A camping or travel trailer shall not be occupied permanently at any time while it is parked or stored in any area within the incorporated limits.

Section 5.11 Temporary Dwelling for Construction, Maintenance or Security Personnel

A mobile home or other type of dwelling unit intended for temporary use may be located within any district as a special permit use for occupancy by construction, maintenance, or security personnel in accordance with the provisions of Section 3.07.0).

Section 5.12.0. Visibility at Intersections In Residential District

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights- of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided at Figure 5-1.

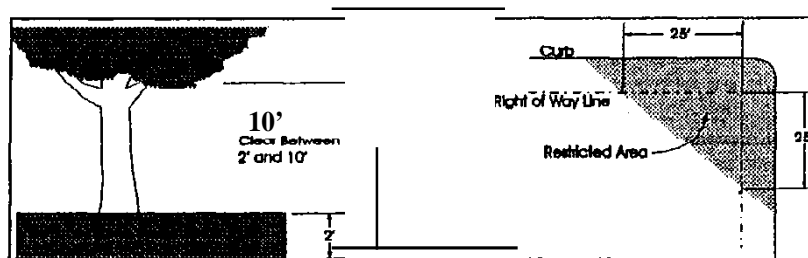


Figure 5-1. Visibility triangle

Section 5.13.0. Manufactured Home Siting Requirements.

The following siting standards shall apply to all instances of placement of manufactured homes permitted by right or conditionally in a residential district:

The unit must be tied down and underpinned;

1. Must be less than Ten (10) years old from the manufacture date. Units older than Ten (10) years will not be permitted within the city limits.
2. Exterior wall finished so as to be compatible with the neighborhood;
3. Orientation must be compatible with placement of adjacent structures;
4. A minimum size of eight hundred (800) square feet; and
5. Compliance with other district standards.

Section 5.14.0. Double Frontages.

When a structure is erected on a lot that abuts a public right-of-way on two sides, yard setbacks abutting the right-of-way shall be the same as the front yard setbacks required in the district. Otherwise, all other setbacks shall be the same as noted in each district.

Section 5.15.0. Access Control on City Streets.

1. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and potential conflict, the following items shall apply:
2. Point of access (i.e., a driveways or other opening for vehicles onto a street) shall not exceed thirty feet (30') in width.
3. There shall be no more than two (2) points of access to any one (1) public street for each one hundred feet (100') of frontage in any lot, except for drives in the C-1 Highway Commercial District. Lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one public street.
4. No point of access shall be allowed within ten feet (10') of the right-of-way of any public street intersection or within thirty feet (30') of another access in the same lot.

ARTICLE VI

RESIDENTIAL DISTRICTS

The residential districts established by these regulations are designed to promote and protect the health, safety, convenience, order, and the general welfare of the citizens of Highland. This broad aspiration is supported by the following purposes and objectives:

- 1) To provide sufficient space at appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the City of Highland, giving adequate consideration to the need for a variety of choices in site selection and site design.
- 2) To permit improved movement on the public street system and to efficiently utilize existing public streets; and insofar as possible, to ameliorate the effects of heavy vehicular traffic through residential areas.
- 3) To provide residential areas with basic protection against harmful levels of congestion through the regulation or density of population, the intensity of development, and the bulk of buildings in relationship to the surrounding land areas and the larger neighborhood.
- 4) To provide for access of light and air to windows and to provide for privacy through controlling the height of buildings and their proximity to each other.
- 5) To promote the most desirable use of land and building development, to protect the character of each district and its suitability for particular uses; and to conserve the value of land and buildings.

Section 6.02.0. Purpose of Each District

6.02.01. Low Density Residential (R-1)

This district is intended to provide a location for the land situated within the city limits and on the fringe of the urban area that is either used for agricultural purposes or is suitable for development to a lesser density than other, more built-up areas within the City. The types of residences may essentially be semi-rural, estate, recreational, or second home, and located on large lots. It is not intended that this district provide a location for a lower standard of residential development, but rather a lower density of development, or the type of development that represents a transition from traditional agriculture to urban-type developments.

6.02.02. Medium Density Residential (R-2)

This district is designed for those existing and future areas of the City that are characterized by a quiet residential neighborhood. The principal uses of land are for single-family dwellings and related recreational, religious, educational, and institutional facilities normally required to provide the basic elements of a balanced and attractive residential area. Density in this district is higher than is the case in the R-1 district, allowing for smaller lot sizes and multi-family structures. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through a consideration of the proper functional relationship of each element. The requirements for this district are designed to stabilize and protect the essential characteristics of the neighborhood and to prohibit most activities of a commercial nature.

6.03.0. Square Footage Requirements for all Residential Districts

There is a minimum square footage requirement of Eight Hundred (800) square feet. This requirement applies to all Residential Districts and all permitted uses.

6.04.0 Portable Buildings, Accessory Buildings, Storage Sheds, or any other Non-Conforming Structures

Portable Buildings, Accessory Buildings, Storage Sheds, or any other Non-Conforming Structures shall not be permitted with the City Limits for use as a residential structure.

Section 6.05.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"✓" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of section 3.06.0.

"SP" means that the listed use is permitted subject securing a permit from the Enforcement Officer.

"X" means that the use is prohibited.

RESIDENTIAL DISTRICTS

PERMITTED USES	R-1	R-2
A. Residential		
Condominiums, Sales	CU	✓
Manufactured Home	X	CU
Mobile Home Park	X	X
Rooming or Boarding House	X	CU
Single-Family Attached	X	✓
Single-Family Detached	✓	✓
Townhouse, Rental	X	CU
Two-Family Dwelling	X	✓
Multiple-Family Dwellings	X	CU
B. Commercial		
Bed & Breakfast	X	CU
Child Care - Home based center (less than six (6) children)	CU	CU
Child Care - Home based center (more than five (5) but less than sixteen (16) children)	X	CU
Home Occupation	✓	✓
Professional offices (doctor, dentist, attorney, engineer, architect, etc.)	X	CU
C. Community Facilities and Public Utilities		
Art Gallery, Museum (Public)	X	CU
Church or other place of worship	CU	CU
Club or lodge, private except those whose chief activity is carried on as a business	X	X
Community building, public	CU	CU
Electrical or gas substation	CU	CU
Establishment for care of alcoholic, drug or psychiatric patients	X	CU
Golf course, but not including commercially operated driving range or miniature golf course	CU	CU
Hospital, health center, institution for aged or children, and extensions or additions to existing	CU	CU
Library	CU	CU
Nursing, convalescent or rest home and extensions or additions to existing	X	CU
Park or playground	✓	✓

PERMITTED USES	R-1	R-2
School, public, parochial, or private non-profit	CU	CU
Telephone exchange, but not including garage, shop or service buildings	CU	CU
Water treatment plant, pumping station, elevated storage or reservoir	CU	CU
D. Agricultural		
Animal husbandry, dairying, and pasturage, but not including the keeping of swine, or the feeding of offal or garbage	X	X
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises	X	X
E. Other		
Temporary structures for construction and/or sales operations	SP	SP
Nonconforming uses, subject to the provisions of Section 13.02.1	CU	CU
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU
Junk or Salvage Yard	X	X

Section 6.06.0. Site Requirements

6.06.1 Lot and Yard Requirements

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 requirements 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 satisfy the most restrictive area, yard and height requirements listed below for the particular zoning district in which they are located. These restrictions may be:

- a. superseded by the design of a Planned Unit Development approved by the Planning Commission consistent with the procedures and standards of Section 7.06.0
- b. granted a variance by the Board of Adjustment, consistent with the provisions of Section 14.03.02.

6.06.2 Height Requirements

No building shall exceed two (2) stories or thirty feet (30') in height, subject to the exceptions and limitations provided in Sections 5.09.0 and 5.16.0.

Residential Lot, Yard & Height Requirements

D I S T R I C T	Use	Lot Area (Sq. Ft.)		Open Space per Dwelling (Sq. Ft.)	Lot Width at Building Line ^a		Lot Coverage Max %	Front Yard	Side ^b		Rear Yard
		Interior Lot	Corner Lot		Interior Lot	Corner Lot			Interior Lot	Corner Lot	
R-1	SF Detached Non-residential	10,000	13,000	N/A	100	130	30	30 ^c	12	30 ^c	25
		10,500	13,000	N/A	75	100	35	30 ^c	30	30 ^c	25
R-2	SF Detached	8,000	11,000	N/A	80	110	40	25 ^d	10	25 ^d	20
	SF Duplex	11,000	14,000	N/A	110	140	40	25 ^d	10	25 ^d	20
	MF Apartment	10,500 ^e	12,000 ^e	750	120	150	60	25 ^d	10	25 ^d	20
	Non-residential	8,000	8,000	N/A	90	140	50	25 ^d	10	25 ^d	20

Notes:

- a. This minimum requirement shall not apply to any lot that was recorded on a plat of record prior to the effective date of these regulations, provided that:
 1. the minimum lot width, as measured at the building line, may be reduced to fifty feet (50') in R-1 or R-2 districts; and,
 2. front and rear yard requirements can be met; and,
 3. the requirements of note (b) below can be met.
- b. On any lot that does not meet the minimum lot width requirements above, but which was recorded on a plat of record prior to the effective date of these regulations, there shall be two side yards each equal to ten percent (10%) of the platted width of the lot.
- c. Or 55 feet from the center line of the street, whichever is greater.
- d. Or 50 feet from the center line of the street, whichever is greater.
- d. Minimum lot area is for the first three (3) dwelling units in the structure; add 3,000 square feet for each additional dwelling unit, up to ten (10) units per structure.

Section 6.07.0. Planned Unit Development (PUD)

6.07.01 Purpose and Intent

It is the intent of this Section to:

- 1) Allow greater flexibility with respect to residential development standards and site planning considerations, resulting in superior development or redevelopment than would ordinarily be possible under the strict application of these regulations; and,
- 2) Provide more usable and suitably located open space, recreation areas, and other common facilities than would otherwise be required or possible under conventional land use regulation; and,
- 3) Encourage comprehensive and innovative planning and design of diversified yet harmonious developments; and,
- 4) Provide more efficient and economic arrangement of varied land uses and public facilities and services needed to support them; and,
- 5) Allow for mixed use development when such design contributes to the furtherance of public development goals and enhances the quality of surrounding land uses.

It is further the intent of this Article to assure that planned unit developments are not approved for the sole benefit of the applicant, but are used to establish developments that:

- 1) Are compatible with the surrounding area;
- 2) Are harmonious with the character of the neighborhood;
- 3) Do not have a negative effect upon the future development of the area; and,
- 4) Create a desirable and stable environment.

This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as a planned unit development but rather each such designation shall result from a specific and separate application for amendment. Planned unit developments are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this Section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

All further development on the property shall conform to the standards adopted for the site, regardless of any change in ownership. Any proposed changes to the approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth at **Section 3.05.0.**

6.07.02 General Conditions

An area may be considered for rezoning to a planned unit development if any one of the following conditions exists:

- A. More than one land use is proposed for development on a single site; or,
- B. Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one site under single ownership; or,
- C. Exception or variation from the size, setback, frontage, density, uses or other standards which are required in the other conventional zoning districts are being proposed as part of a comprehensive development plan.

6.07.03 Permitted Uses

- 1) Residential units of all types provided that all residences are intended for permanent occupancy by their owners or tenants. This specifically excludes residences of a transient nature, such as hotels, motels, travel and mobile trailer parks, and mobile home parks.
- 2) Limited commercial uses may be included within the development, however they shall be only of convenience neighborhood retail nature intended to serve the needs of the residents of the

development. Retail uses shall be specified as part of the proposal and limited to not more than five percent (5%) of the total site area; such uses shall be permitted only in planned residential development of five (5) acres or larger.

- 3) Parks, recreation facilities, and open space.

6.07.04. Special Requirements

- 1) There shall be not less than 750 square feet of unobstructed open space for every dwelling unit shown on the plot plan. The required open space may be concentrated in a portion of the site or may be spread throughout the site. Not more than one-half (1/2) of the required unobstructed open space may be devoted to the required off-street parking space.
- 2) No structure or use designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to construction of not less than fifty percent (50%) of the dwelling units proposed in the plan.
- 3) Any proposal shall preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.
- 4) Zero side yard setback on interior lots is universally allowed in developments of attached dwellings, although there may not be more than eight (8) attached dwellings in a single building.
- 5) The site proposed for planned unit development must contain an area of five (5) acres or more. A proposed site for less than five (5) acres may be requested if it abuts:
 - a. an existing planned development district of the same classification; or,
 - b. a non-residential zoning district.
- 6) In no case shall the minimum site size be less than one (1) acre or involve less than two (2) primary structures or uses. The site must abut a public street for a distance of at least one hundred feet (100').
- 7) A suitable plan shall be prepared for the development and this plan shall include the following elements where applicable:
 - a. A plot plan drawn to scale by a registered engineer, architect or landscape architect showing:
 1. the exact dimensions of the site;
 2. platting and street systems, including proposed reservations or dedications for streets;
 3. proposed building sites;
 4. types of use proposed for buildings, and proposed height and size of buildings;
 5. plans for protection of abutting properties, including proposed screening and landscaping;
 6. means of ingress and egress;
 7. access and circulation arrangements;
 8. off-street parking and loading facilities;
 9. proposed easements and public facility requirements;
 10. (10) proposed setbacks from property lines;
 11. development schedule, including major improvement and construction milestones; and,
 12. if requested, a contour map of the site.
 - b. The plan shall give the name of the developers and of the development, a north arrow and scale.
 - c. If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, drainage, utilities or other improvements, a proposed lot and street layout shall be submitted as part of the application. Any variation from the standards set forth in the subdivision regulations shall be listed and explained. If the plan is approved, a preliminary plat and final plat shall be

submitted as provided by the subdivision regulations.

- d. Existing land uses within 200 hundred feet (200') of the boundary of the development.
- e. Such legal instruments as are appropriate or required by Section 9.05 herein, or by application of the Subdivision Regulations.

6.07.05. Legal Instruments

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measures and similar common elements in a development. The City encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement districts, contracts and covenants. All legal instruments setting forth the plan or manner of permanent care and maintenance of such open space, recreational areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the planning commission as to the suitability for the proposed uses. The aforementioned legal instruments shall be provided to the planning commission together with the filing of the application.

6.07.06. Phased Development

While this Section encourages submission of comprehensively planned development proposals, a preliminary plan need not cover the entire property to be ultimately developed. Applicants may choose to submit staged development plan, incorporating incremental plans for certain areas of the entire proposed development.

6.07.07. Procedures

The following procedures for application, public hearing, submission, review Planning Commission and City Council action shall apply:

1. The owner/applicant/developer shall submit a written application to the City on such form or forms as may be required, including submission of the plan required at Section 7.06.04.
2. The owner/applicant/developer shall pay an application fee to the city in the amount of fifty dollars (\$50.00) at the time of the application, and none of this fee is returnable under any circumstances.
3. A notice of public hearing shall be published in the same manner as prescribed in Section 3.05.02(C.); and the Planning Commission shall conduct the public hearing to review the planned development district proposal.
4. The provisions of Section 3.05.02. with regard to written notification of surrounding property owners and the placement of a sign in a conspicuous place on the site are applicable to planned development district proposals.
5. After conducting the public hearing, the Planning Commission may recommend approval or deny the planned design proposal.
 - a. If the Planning Commission recommends approval, it shall notify the City Council in writing, indicating the reasons and justification for such recommendation.
 - b. If the Planning Commission should deny the proposal, the owner/applicant/ developer's may appeal the Planning Commission's decision to the City Council, subject to the requirements and limitation of Section 3.05.02(B)(8).

ARTICLE VII COMMERCIAL DISTRICTS

Section 7.01.0. General Purposes

Various commercial districts are established by these regulations for the support of business, commerce, finance, and other activities of a commercial or service nature that are customarily carried on for the economic base support of the overall community and to serve the specific needs of the residents of the community.

Section 7.02.0. Purpose of Each District

7.02.01. Highway Commercial District (C-1)

This is a district usually located along major highways or arterial streets, used primarily for the retailing of durable goods, implements, heavy appliances and vehicles; providing services and lodgings for transient visitors or diners; and for uses which because of their nature require open storage or display of goods or material ; and which require large-scale advertising. As this district is generally located in close proximity to residential areas, the regulations are designed to permit development of enumerated uses but limited by standards and requirements that are intended to protect and preserve the abutting or surrounding residential districts, and to minimize potential traffic hazards.

7.02.02. Commercial Buildings

- A. Prior to construction, or exterior renovation, the owner of the property shall provide a layout design plan (also known as a plot plan) to the Planning Commission for the Commission's review and approval. Such plan shall show details of parking, sidewalks, driveway entrances and exits, landscaping, signage, utility service, roof water drainage and water drainage from the property.
- B. Prior to construction, the owner of the property shall provide detailed architectural drawings to the Planning Commission for the Commission's review and approval.
- C. There is a minimum square footage requirement of One Thousand (1,000) Square Feet for all commercial buildings.
- D. Any building in an area of the city zoned for commercial use should also be constructed so that the main entrance to the building should be generally located facing the major street. Any street facing façade shall be constructed so that no more than thirty (30%) percent of the exposed façade is metal.
- E. Any façade visible from the public right of way shall be constructed to avoid an uninterrupted façade without architectural features to break the monotony of the façade. No more than thirty (30) feet of façade will be permitted without the addition of some architectural features. The owner of the property can substitute landscape design of a manner that will shield the façade of the building from public view for the requirement of the addition of architectural features under this section with the approval of the Planning Commission.
- F. All mechanical apparatus, propane tanks, storage areas, trash receptacles and the like shall be screened from all public views and public right of ways.
- G. Parking areas, that are subject to ADA requirements, and/or Federal, State and local guidelines shall be constructed of a hard surface, such as concrete or asphalt (black top) and kept in repair.
- H. ANY EXCEPTIONS TO THIS AMENDMENT WILL BE SUBJECT TO THE PLANNING COMMISSION'S APPROVAL.

Section 7.03.0. Permitted Uses

The permitted uses in each of the commercial districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a commercial zoning district, shall have these meanings:

- "✓" means that the listed use is permitted by right in that district.
- "CU" means that the listed use is conditionally permitted, subject to approval of the planning commission, pursuant to the conditional use procedures as set forth below 3.06.0.
- "SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.
- "X" means that the use is prohibited.

COMMERCIAL DISTRICTS

PERMITTED USES		C-1
A. Commercial		
Amusement park, commercial		✓
Antique store		✓
Appliance sales and service		✓
Automotive accessory and supply store		✓
Automotive and truck rental		✓
Automotive and truck sales (new and used) and service		✓
Automotive body shop		✓
Automotive car wash		✓

PERMITTED USES	C-1
Automotive service station, not including body or motor repair or painting	✓
Bakery - retail sales	✓
Battle, savings and loan, and other financial institutions	✓
Barber or beauty shop	✓
Barber and beauty equipment and specialties sales	✓
Bicycle rental, repair sale	✓
Boat and marine rental, repair, sales	✓
Bookbinding	✓
Bowling alley	✓
Building supplies, including sale of lumber	✓
Bus station	✓
Carnival, circus or similar temporary amusement enterprise	✓
Carting, crating, express hauling, moving or storage	✓
Child Care Center, nursery, or kindergarten (including home based)	CU
Clinic: dental, medical, osteopathic, chiropodist, pharmacy	✓
Clothing store	✓
Club or lodge	✓
Cold storage plant	✓
Convenience food store	✓
Department store	✓
Drug store or pharmacy	✓
Dry cleaners	✓
Eating place, which does not provide service in automobile (with interior dining facilities)	✓
Eating place providing service in automobiles	✓
Establishment for care of alcoholic, drug or psychiatric patients	CU
Farm equipment sales, service, repair	✓
Feed and fertilizer sales	✓
Floor covering sales, retail	✓
Florist shop and greenhouse	✓
Food locker plant	✓
Freight depot, railroad or truck	✓
Funeral home, mortuary or undertaking establishment	✓

PERMITTED USES	C-1
Furniture and home furnishings repair	✓
Furniture and home furnishings, sales only	✓
Garage or parking for commercial or public utility vehicles	✓
Gift, novelty store	✓
Golf driving range, commercial	✓
Grocery store	✓
Hardware store	✓
Hotel	✓
Ice cream store	✓
Ice vending establishment	✓
Interior decorating shop	✓
Jewelry sales and repair	✓
Junk or Salvage Yard	X
Kennel	✓
Laundry pick-up station only	CU
Laundry plant	✓
Laundry, self-service	✓
Loan office	✓
Locksmith, key shop	✓
Mini-warehouse	✓
Mobile home sales and service	✓
Monument sales	✓
Motel	✓
Newspaper distribution station	✓
Newspaper offices, print shop	CU
Offices: medical, chiropractic, dental, optical, osteopathic	✓
Offices: professional and governmental, accounting, architecture, engineering, insurance, law, real estate and others of similar character	✓
Office equipment and supplies, retail sales, service, rental and repair	✓
Paint and wallpaper store	✓
Parking facilities (Commercial lot or garage)	X
Pet shop	✓
Plumbing fixtures, sales and service	✓
Recreational Vehicle Parks	CU

PERMITTED USES	C-1
Recreation or amusement center	✓
School, commercial or trade	✓
School, nursery or day care	✓
Shoe sales and repair	✓
Sign, advertising	✓
Sign, identification	✓
Skating rink or roller rink	✓
Sporting goods sales	✓
Studio, photographic, musical	✓
Swimming pool, commercial	✓
Communications, receiving, or transmitting facilities, including towers	CU
Theater, drive-in	✓
Theater, indoor	✓
Tourist home	✓
Variety store	✓
Veterinarian, animal clinic	✓
Warehousing, inside storage only	✓
Warehousing, packaged products	✓
Wholesale establishment	✓
B. Manufacturing	
Advertising displays, sign printing	✓
Baked goods, candy, bread, dairy and ice cream manufacturing	✓
Bottling works, all beverages	✓
Carpentry, custom wood working or furniture making	✓
Custom ceramic products, manufacturing	✓
Jewelry, watch making	✓
Printing or publishing, including engraving or photo-engraving	✓
Sheet metal shop	✓
Tire recapping	X
Welding shop	CU
C. Community Facilities and Public Utilities	
Art gallery or museum	CU

PERMITTED USES	C-1
Auditorium, assembly	CU
Communications, receiving, or transmitting facilities, including towers	CU
Electrical or gas regulator station	✓
Golf course, including commercially operated driving range or miniature golf course	✓
Highway or street maintenance garage, yard or similar facility	CU
Hospital, health center, institution for aged or children	✓
Institution, non-residential	✓
Library	✓
Post Office	✓
Skating or roller rink	✓
Stadium, arena or similar facility	✓
Telephone exchange, including garage, shop or service facilities	CU
Water filtration plant, pump station, elevated storage or reservoir	CU
D. Residential	
Multi-family dwellings or rooming houses	x
E. Agricultural	
Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine or feeding or offal or garbage	CU
Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening	CU
F. Others	
Temporary structures for construction and/or sales operations	SP
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU

Section 7.04.0. Lot, Yard and Height Requirements

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

Lot Requirements	C-1
Minimum lot area (sq. ft.)	10,000 ^b
Minimum lot width at building line (feet)	100 ^b
Maximum lot coverage (percent)	80

Yard Requirement (in feet)

Minimum Front Yard

30_c

Minimum Rear Yard

(a) when abutting property in residential district

(b) when abutting property in non-residential district

Minimum Side Yard

Interior

(a) when abutting property in residential district

30_b

(b) when abutting property in non-residential district

15_b

Exterior

30_b

Height Requirements

Maximum number of feet

45

Maximum number of stories

3 1/2

- Notes:
- Service stations shall have minimum of one hundred feet (100').
 - If a lot of record at the time of adoption of these regulations is of less area or width than minimally required by these regulations, the minimum lot width shall be fifty feet (50'), the minimum side yard shall be ten feet (10') and the minimum width of structure shall be thirty feet (30').
 - The first 25 feet of the front setback shall be maintained as unobstructed open space and shall not be used for parking or product display or storage.
 - An eight foot (8') opaque screening fence shall be erected at the rear property line.
 - Telecommunications towers are subject to the requirements of Section 5.16.0. Community facilities, when permitted, are subject to the requirements of Section 5.09.0.

Section 7.05.0. Mini-Warehouses

Where permitted, mini-warehouses shall comply with the following additional requirements:

- Mini-warehouses are intended for the use of private individuals and companies principally for the inactive storage of goods and materials and are not to be used as a commercial base of operation for a profit-motivated company or individual.
- When the mini-warehouse is located adjacent to a residentially zoned property, the owner/developer of the mini-warehouse shall install an opaque screen of not less than six feet (6') in height on any lot line or alley right-of-way adjacent to said residentially zoned property.
- The owner of the mini-warehouse shall prohibit the storage of highly flammable or explosive liquids, solids, or gases in violation of any law, regulation or ordinance.

Section 7.06.0. Outdoor Storage and Waste Disposal

The following shall apply uniformly to all of the commercial zoning districts:

- No highly flammable or explosive liquids, solids or gases shall be stored in bulk above-ground. Tanks and drums that

fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision .

- 2 All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent properties or streets.
- 3 All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in enclosed containers.

Section 7.07.0. Limitations on External Effects and Uses

Every use, unless expressly exempted by these regulations, shall be so operated and maintained that it will not generate obnoxious amounts of sound, vibration, heat, glare, radiation, smoke or fumes.

Section 7.08.0. Recreational Vehicle Parks

This section is intended to govern the location and design of facilities whose purpose is the temporary, overnight parking of non-residential recreational vehicles. For the purposes of this section, "temporary" is defined as thirty (30) days or less.

7.08.01. Permitted District Locations

Recreational vehicle parks shall be permitted only in a Highway Commercial (C-1) district.

7.08.02 Development Standards

A recreational vehicle (RV) park shall conform to the following requirements:

1. The RV park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from standing pools of water;
2. Each RV space shall be no less than twenty-five feet (25') wide and fifty feet (50') long;
3. Each RV space shall contain a concrete slab for parking of not less than ten feet (10') in width, twenty feet (20') in length, and four inches (4") in thickness;
4. The parking slab shall be arranged in such a manner that it does not abut the parking slab on an adjacent space;
5. Each space shall be provided with water, sewer, and electrical service approved by the Arkansas Department of Health;
6. Each space shall abut a driveway of not less than thirty feet (30') in width, which shall have unobstructed access to and be connected to at least one public street;
7. The RV park shall provide a bath-house and restroom of permanent construction;
8. Any units located in the RV park intended for office, maintenance, or storage use shall be of permanent construction.

7.08.03 Review Procedure

1. The Commission shall review all proposals for recreational vehicle trailer park design using the conditional use procedures of Section 3.06. of these regulations.
2. The owner/applicant/developer shall submit a written application, which shall include:
 - a. a map or drawing showing the location of the proposed site or lots and existing land uses within two hundred feet (200') of all perimeter boundary lines; and,

- b. a plot plan showing dimensions, proposed setbacks from property lines, the location of proposed residential and accessory structures and/or building setback lines; and,
- c. a graphic presentation of proposed improvements including screening, landscaping, parking, access, easements, and public utilities.

ARTICLE VIII INDUSTRIAL DISTRICTS

Section 8.01.0. Purpose

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 regulations hereby establishes two industrial zoning districts.

Section 8.02.0. Purpose of Each District

8.02.01. Industrial (I)

As this industrial district is often located is 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 and with adequate safeguards for safety and aesthetics.

Section 8.03.0. Permitted Uses

The permitted uses in any industrial district are set forth in the following table. The following symbols, placed opposite a permitted use in the right hand column, shall have these meanings:

"✓" means that the listed use is permitted by right in the district.

"CU" means that the listed use is permitted subject to approval as a conditional use as set forth below in Section 3.06.0.

"SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.

"X" means that the use is prohibited.

PERMITTED USES	I
A. Manufacturing	
Agricultural Products Processing	CU
Bulk Storage of Highly Flammable Materials	X
Cabinet or Woodworking Shop	✓
Clothing Manufacturing	✓
Contractor or Maintenance Yard	✓
Foundry and Metal Works	CU
Grain Elevator or Feed Mill	CU

PERMITTED USES	I
Hauling and Storage Company	✓
Industrial Cleaning Plant	✓
Job Printing, Lithographer, Printing or Blueprinting Plant	✓
Junk or Salvage Yard	X
Laboratory Manufacturing	✓
Light Fabrication and Assembly Process	✓
Lumber Yard	✓
Machine or Welding Shop	✓
Motor Freight Terminal	✓
Railroad Freight Terminal	X
Recycling and Reclamation	CU
Sand, Gravel or Earth Sales and Storage	✓
Sanitary Landfill	X
Stable, Commercial	CU
Stone, Sand or Gravel Extraction	X
Tanning or Rendering of Animals	X
Warehousing and Wholesaling	✓
Wood Products Manufacturing	✓

B. Commercial

Animal Pound or Kennel	✓
Appliance Repair	✓
Auto Auction	✓
Auto Glass Muffler Shop	✓
Automobile, Motorcycle Display, Sales and Service	✓
Auto Parts and Accessories	✓
Auto Paint or Body Rebuilding Shop	✓
Auto Repair Garage	✓
Automobile Wrecking and Junk Yards	X
Building Material Sales (Open)	✓
Bus or Truck Storage or Garage	✓
Bus Station or Terminal	✓
Car Wash	✓

PERMITTED USES	I
Communications, receiving, or transmitting facilities, including towers.	CU
Furniture Repair Store	✓
Home Center	✓
Laboratory	✓
Machinery Sales and Service	✓
Mini-Warehouse	✓
Office Warehouse	✓
Parking (Commercial Lot or Garage)	✓
Plumbing, Electrical, Heating or Air Conditioning Shop	✓
Racetrack	X
Railroad Passenger Station	✓
School, Business	✓
School, Commercial, Trade or Craft	✓
Service Station	✓
Swimming Pool Sales and Supply	✓
Taxidermist	✓
Tool and Equipment Rental (Inside or Outside)	✓
Truck or Tractor Sales or Repair	✓
Upholstery Shop	✓
Veterinary Clinic	✓
C. Community Facilities and Public Utilities	
Airport or Landing Field	CU
Animal Hospital	CU
Water/Sewage Treatment Plant	✓
E. Other	
Temporary structures for construction and/or sales operations	SP
Caretaker or watchmen's quarters	CU
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU
Non-conforming uses approved by the Board of Zoning Adjustment	SP

Section 8.04.0. Lot, Yard and Height Requirements

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 table. No building or structure shall be erected or enlarged that will cause the coverage or maximum height requirements to be exceeded for such district as set forth in this Article.

Lot Requirements	I
Minimum lot area (sq. ft.)	7,200
Minimum lot width at building line (feet)	60
Maximum lot coverage (percent)	75
Yard Requirements (in feet)	
Minimum Front Yard	50 ^a
Minimum Rear Yard	
(a) When abutting property in a residential district	75 ^b
(b) When abutting property in a nonresidential district	50
Minimum Side Yard	
Interior	
(a) When abutting property in a residential district	50 ^b
(b) When abutting property in a nonresidential district	15
Exterior	50
Height Requirements ^c	
Maximum number of feet	75
Maximum number of stories	6½

- Notes:
- All required yards shall be sodded and planted or maintained in a manner compatible with the character of the nearby residential district. Side yards shall not be utilized for storage, parking or for any other use except as unobstructed open space. Driveways providing ingress and egress for the lot are permitted across the required yards.
 - An eight foot (8') opaque screening fence shall be erected at the property line.

Section 8.05.0. Limitations on External Effects

8.05.01. Emissions of Noise, Vibration, Heat, Glare, Smoke, Odor, Fumes

- General.* Every use shall be so operated that it does not emit an obnoxious or dangerous amount of noise, vibration, heat, glare, radiation or fumes beyond any boundary line of the lot on which the use is located.
- Noise.* For the purposes of these regulations, the emission of any sound inherently and recurrently generated which exceeds seventy (70) decibels at any boundary line on the lot on which such sound is generated, is considered obnoxious.
- Vibration.* Vibration will be considered obnoxious when it is perceptible, without the use of instruments, beyond the boundary lines of the lot on which such vibration is generated.
- Heat, glare, radiation, fumes, smoke or dust.* The emission of heat, glare, radiation, fumes, smoke or dust will be considered obnoxious when such emissions are dangerous, or constitute a nuisance to adjoining properties both within and beyond the boundaries of the Industrial District.

8.05.02 Outdoor Storage and Waste Disposal

a. General.

1. No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes.
2. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
3. All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

b. Flammable or explosive materials.

1. No highly flammable or explosive liquids, solids, or gases, except liquefied petroleum gas, shall be stored in bulk above-ground. Tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same zone lot as the tanks or drums of fuel are excluded from this provisions.

Flammable liquids, other than liquefied petroleum gas, shall be stored no closer than any boundary line of a lot on which they are located than the following minimum distances:

<u>Above Ground Capacity (per Tank)</u>	<u>Minimum Distance</u>
1 - 1,000 gallons	25 feet
1,001 - 3,000 gallons	50 feet
3,001 - 35,000 gallons	100 feet
Over 35,000 gallons	120 feet

<u>Under Ground Capacity (per Tank)</u>	<u>Minimum Distance</u>
550 gallons	6 feet
2,000 gallons	10 feet
5,000 gallons	20 feet
15,000 gallons	25 feet
20,000 gallons	30 feet
35,000 gallons	40 feet

3. Explosives shall be stored no closer to any boundary line of the lot on which they are located than the following distances:

<u>Pounds</u>	<u>Minimum Distance</u>
2 - 5	70 feet
5 - 10	90 feet
10 - 20	110 feet
20 - 25	125 feet
Over 25	Established by the Board of Adjustment

ARTICLE IX

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 9.0 1.0. Off-Street Parking and Requirements

9.01.01. Minimum Standards

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 vehicles in accordance with the following requirements:

- | | |
|--|--|
| 1. Dwelling | Two (2) parking spaces for each dwelling unit. |
| 2. Boarding or Rooming House or Hotel or Motel | One (1) parking space for each rentable sleeping room, plus one (1) parking space per each employee on the largest shift. |
| 3. Medical or Dental Clinics Offices and Hospitals | Four (4) spaces per doctor plus two (2) spaces for each three (3) employees or in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time. |
| 4. Sanatoriums, Convalescent, Nursing Homes | One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time. |
| 5. Community Center, Theater, Auditorium | One (1) parking space for each four (4) seats based on maximum seating capacity. |
| 6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation | One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building. |
| 7. Retail Shops | One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales. |
| 8. Office Building | One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area. |
| 9. Commercial Establishment Not Otherwise Classified | One (1) parking space for each four hundred (400) square feet of floor space in the building. |
| 10. Industrial Establishments | Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time. |
| 11. Church Sanctuary | One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed |

fifty percent (50%) of the required spaces, with public institutions and agencies, that do not have a conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

12. All Others

For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking required.

9.01.02 Application of Standards

In applying the standards set forth above, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in section 9.01.01, paragraph 11, above.
2. Where a fractional space results, such fraction shall be counted as one (1) parking space.
3. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
4. Except for parcels of land devoted to single-family or duplex residences, all area 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, the first ten (10) feet adjacent to the street right-of-way line shall not be used for parking but rather shall be prepared and planted with grass, shrubs, trees, or ground cover.
6. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as specified in section 9.01.01, paragraph 11, above.
7. 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.
8. The standards may be waived or modified by the Board of Adjustment, subject to the limitations and procedures specified at Section 14.03.03.

Section 9.02.0. Off-Street Loading and Unloading Requirements

The following requirements shall apply to off-street loading and unloading facilities:

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

Section 9.03.0. Other Requirements

9.03.01. Buffer

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet (5') nor more than seven feet (7'). Such fence or wall shall be maintained in good condition.

9.03.02 Size

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine feet (9') by twenty feet (20') plus adequate area for ingress and egress.

**AMENDMENT TO THE GENERAL PLAN
ARTICLE X
SIGNS, BILLBOARDS AND
OTHER ADVERTISING STRUCTURES**

Section 10.01.0 Purpose

The purpose of this Amendment is to bring into alignment the existing Article X, Signs, Billboards and Other Advertising Structures. This Amendment is to discourage the tendency to use signs which dominate the landscape; to provide guidelines for the erection, display and maintenance of signs, and to permit such signs that will not, by their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health and safety.

All applicable rules and regulations for the control of outdoor advertising on Arkansas Highways as required by the Arkansas State Highway Commission shall also apply to this Article.

Additional purposes shall be to coordinate the type, place, and size of signs within the different land-use districts and to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to preserve property values, and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning district. The placement and size of signs are regulated primarily by type and length of street frontage and street classification, though surrounding conditions should also be considered. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Article.

Section 10.01.01 Scope

The primary intent of this Amendment shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

This Amendment shall not relate to building design, particularly integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights. This Amendment shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays;

products dispensers and point of purchase displays; scoreboards on athletic fields; flags and insignia of any government or noncommercial organization, except when displayed in direct connection with commercial promotion; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises; or any display or construction not defined herein as a sign.

Section 10.01.02 Applicability

No signs shall be erected or maintained in any land use district established by the General Plan, except those signs specifically enumerated in this section. The number and area of signs as outlined in this section are intended to be maximum standards.

Section 10.02.0 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Highland, except in accordance with the provisions of this Amendment.

Section 10.02.01 Signs Prohibited

The following types of signs are prohibited in all districts:

1. Abandoned signs.

2. Search lights
3. Signs imitating or resembling official traffic or government signs or signals.
4. Signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business or to signs of charitable or political nature).
6. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign.
7. Permanent sales or false advertising.
8. Signs painted on fences or roofs.
9. Where occupancy is on a corner lot, a minimum clear view zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic. No sign taller than two (2) foot in height is allowed in a clear view zone. (See definition for clear view zone.)

Section 10.02.02 Permits Required

Unless otherwise provided by this Section, all signs shall require permits and payment of fees as described in Section 10.06.0. No permit is required for maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 10.02.03 Signs Not Requiring Permits

The following types of signs are exempt from the permit requirements but must be in conformance with all other requirements of this section.

1. Non-illuminated construction signs, which can be erected no more than 60 days before construction begins and shall be removed within 30 days following completion of construction.
2. Directional/Informational signs of nine (9) square feet or less.
3. Holiday or special events decorations, which can remain up no longer than sixty (60) days.
4. Name plates of two (2) square feet or less.
5. Political signs.
6. Public signs or notices, or any sign relating to an emergency.
7. Window signs.
8. Incidental signs.
9. Real estate signs, which must be removed within fifteen (15) days after the close of escrow, or when the rental or lease has been accomplished. Open house signs, for the purpose of selling a house or condominium, are permitted.
10. Temporary signs. See Section 10.02.04.

Section 10.02.04 Temporary Signs

The Code Enforcement Office may approve special event signs and civic signs for a limited period as a means of publicizing special events such as grand openings, carnivals, parades, charitable events and holiday sales. These signs will be limited to the following provisions: Special event signs shall be limited to no more than thirty (30) days per event.

Section 10.02.05 Sign Construction and Maintenance

Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable Federal, State, and City regulations and building codes.

Every sign, including those specifically exempt from this Section shall be maintained and kept in good repair.

Section 10.02.06 Lighting

Unless otherwise prohibited by this section, all signs may be illuminated. No illuminated sign shall be permitted which faces the front, side or rear lot lines of any lot in any residential district. No flashing sign shall be permitted in any district.

Section 10.02.07 Sign Similarity to Official Signs

No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.

Section 10.02.08 Signs Permitted in All Districts

1. One (1) construction sign for each street frontage of a construction project, subject to the requirements.
2. One (1) non-illuminated real estate sign per lot or premises, not to exceed thirty-two (32) square feet in sign area.
3. One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarders or roomers.
4. Political signs shall not be erected more than sixty (60) days prior to the election or referendum date, and must be removed within ten (10) days following election.

Section 10.02.09 Signs Permitted in Residential Districts

1. For multi-family and group dwellings, identification signs not to exceed twelve (12) square feet in area. Such sign shall indicate nothing other than the name and/or address of premises and name of the management.
2. One (1) subdivision identification sign per neighborhood, subdivision or development, subject to the requirements.
3. One (1) sign per street frontage, except that no advertisement for off-the-premises goods and services will be permitted.
4. For permitted non-residential uses, one (1) identification sign containing only the name of the use or institution may be permitted, but shall not exceed thirty-two (32) square feet of sign area. Such signs may be illuminated, subject to the requirements.
5. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty-four (24) hours after the end of the sale.
6. A sign identifying a home occupation may not exceed four (4) square feet solely to identify the business, occupation or profession, and such must be physically attached to the structure.

Section 10.02.10 Signs permitted to Commercial Districts

Business identification signs, provided that the size of such identification signs shall not exceed two (2) square feet of sign area for each one (1) linear foot of building façade, and subject to a maximum total sign area of all permitted signs for façade or frontage of any establishment shall not exceed two hundred (200) square feet.

One (1) sign per site or building, attached or free-standing, not greater in area than thirty-two (32) square feet and not to exceed thirty-five (35) feet in height.

Section 10.02.11 Signs permitted in Industrial District (1)

All signs permitted in sections 10.02.08 -10.02.09 -10.02.10

Section 10.02.12 Indemnification and Insurance

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way of property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such, insofar as this Section has not specifically directed the placement of a sign.

All persons involved in the maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability.

Section 10.03.0 Nonconforming Signs

Section 10.03.01-Determination of Legal Nonconformity

1. Existing signs which do not conform to the specific provisions of this Article may be eligible for designation as “legal nonconforming” provided that:
 - a. The Code Enforcement Office determines such signs are properly maintained and do not in any way endanger the public.
 - b. The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this Amendment.
2. A legally established sign which fails to conform to this Article shall be allowed continued use, except that the sign shall not be:
 - a. Expanded, moved, or relocated, unless required by street renovation.
 - b. Reestablished after a business has been abandoned for ninety (90) days or more.
 - c. Reestablished after damage or destruction of more than fifty (50) percent as based on appraisal and the destruction is other than facial copy replacement and the display cannot be repaired within ninety (90) days of the date of its destruction, as determined by the Code Enforcement Office. The shape of the sign may change as long as no new, nonconforming conditions are created.

Section 10.03.02 Loss of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if:

1. The sign is relocated or replaced except as required by street relocation.
2. The size of the sign is altered in any way except toward compliance with this Article.
This does not refer to change of copy or normal maintenance.

Section 10.03.03 Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair.

Section 10.04.0 Construction Specifications

All signs shall be installed in compliance with current city building and electrical codes.

Section 10.04.01 Requirements Applying to Specified Signs

1. Wall signs. Signs on the wall of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - a. Signs on front surface of building. The total area of the signs on the exterior front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.
 - b. Signs on side and rear surface of building. The total area of signs shall not exceed fifty percent (50%) of the exterior side or rear surface of the building respectively, so long as the figure does not exceed the total amount of the sign area permitted within the zoning district where the sign or signs are to be located.
 - c. Total sign area. The combined sign area on the front, side and rear surface of the building must not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.
 - d. Projecting signs. Wall signs attached flat against a wall may extend not more than twenty-four (24”) inches from the wall. Signs attached at an angle to a wall may extend outward from the wall of a building not more than five (5’) feet and may be located not closer than eighteen (18”) inches to a vertical plane at the street curb line. In no case shall signs project beyond property lines.

2. Signs on work under construction. Non-illuminated signs not exceeding forty (40) square feet in area displaying the name of the building, the contractor, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed within thirty (30) days after completion of the project.
3. Temporary subdivision signs. Temporary signs not exceeding forty (40) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen (15) feet from the right-of-way of any street or from any boundary line of the land subdivision. Such signs shall be spaced not less than three hundred (300) feet apart. They shall be removed when seventy-five (75) percent of the lots are conveyed.
4. Private directional signs. Certain off-premises signs may be erected and maintained provided:
 - a. The size of any such sign is not in excess of six (6) square feet and does not exceed four (4) feet in length.
 - b. Not more than one (1) such sign is erected on each three hundred (300) feet of street frontage.
5. The signs permitted under these conditions are:
 - a. Signs indicating directions to premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder or agent.
 - b. Signs indicating directions to a church or other place of worship.

Section 10.04.02 All Lawfully Existing Billboards maybe Reconstructed or Relocated, (but not enlarged), provided :

1. The billboard is reconstructed on the same property on which it was located prior to removal (This permission does not extend to any parcel of land that may have been added to the original property).
2. The billboard is reconstructed within one year of its removal or destruction.
3. A billboard that is not reconstructed within one year shall be considered abandoned and may not be reconstructed or relocated at a later date.
4. Billboards shall not be located any closer than three hundred (300) feet from any other billboard.
5. Billboards shall not be erected within one hundred (100) feet of any residential district.
6. Billboards shall not be enlarged or expanded beyond the size of the original billboard.

Section 10.05.0 Definitions

Certain terms are defined for the purposes of the section as follows:

Building-As defined in the General Plan of the City.

Billboards-A sign that provides direction to a site that is not located on the same parcel or lot as the billboard. This billboard may contain the logo, in addition to the name of the establishment, provided that the logo may not comprise more than 20% of the total billboard area.

City-Unless the context clearly discloses a contrary intent, the word “City” shall mean the City of Highland.

Clear View Zone- The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two property lines intersect, measuring thirty (30) feet along each property line and drawing a line across the two back points to form a triangulated area. No sign in excess of two (2) feet above curb grade may be installed in this area.

Copy-The graphic content of a sign surface.

Face of Sign- The area of a sign on which the copy is placed.

Frontage- The length of the property line of any one premise along a public right-of-way on which it borders.

Height (of a sign)- The vertical distance measured from the highest point of sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Lot- A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Owner- A person recorded as such on official records.

Premises- A parcel of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Sign- Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising a person, products, goods, or services. Where the term “sign” is used, it shall refer to on-premises sign, unless specifically noted otherwise.

Abandoned Sign- A sign which no longer identifies or advertises a bona fide business, leaser, service, product, or active, and/or for which no legal owner can be found.

Flashing Arrow Sign- Flashing signs are not permitted.

Freestanding Signs- A sign supported permanently upon the ground by poles or braces and not attached to any building.

Illegal Sign- A sign that does not meet the requirements of this code and that has not received legal nonconforming status.

Marquee Sign- Any sign attached to or supported by a marquee structure.

Menu Sign- A sign that may display the name of a restaurant and that lists the menu available within the business only.

Nonconforming signs-

1. A sign that was erected legally but that does not comply with subsequently enacted sign restrictions and regulations.
2. A sign that does not conform to the sign code requirements, but for which a special permit has been issued.

Off-Premises Sign (also billboards)- A sign structure advertising an establishment, merchandise, services, or entertainment that is not sold, produced, manufactured, or furnished at the property on which the sign is located, e.g., “billboards” or “outdoor advertising.”

On-Premises Sign- A sign that pertains to the use of the premises and/or property on which it is located.

Real Estate Sign- A temporary sign advertising the real estate upon which the sign is located as being for sale, or lease.

Use- The purpose for which a sign or structure is intended or maintained.

Section 10.06.0 Enforcement Office

Section 10.06.01 Planning and Zoning, Code Enforcement Office

The Planning Commission along with the Code Enforcement Office shall be authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this code. The Planning Commission is authorized to establish procedures consistent with this function.

The Code Enforcement Officer is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for purpose of inspecting a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during normal business hours unless an emergency exists.

Section 10.06.02 Application for Permit

Application for a permit for the erection or relocation of a sign shall be made on a form provided by the Code Enforcement Office and shall include the following information.

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign or sign structure as defined in this ordinance.
4. A site plan with measurements showing the proposed location of the sign, along with the locations of all existing signs on the same premises.
5. Specifications and drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign as required by the Code Enforcement Office.

Section 10.06.03 Permit Fees

All applications for permits filed with the Code Enforcement Office shall be accompanied by a payment of the initial permit fee for each sign.

Section 10.06.04 Issuance And Denial

The Code Enforcement Office shall issue a permit or tag for the erection, structural alteration, or relocation of a sign provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail. When a permit is denied, the Code Enforcement Office shall give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Code Enforcement Office may suspend or revoke an issued permit for any false statement or misrepresentation of facts in the application.

Section 10.06.05 Permit Conditions and Penalties

If any sign is installed or placed on any property prior to receipt of a permit, the permit fee shall be doubled. However, payment of a double fee shall not relieve any person of any other requirements or penalties prescribed in this Article.

Section 10.06.06 Inspection Upon Completion

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Code Enforcement Office upon completion of the work.

Section 10.06.07 Variances for Signs

When requesting a permit, the applicant may apply to the Planning Commission for a variance from certain requirements of this code. The Planning Commission may grant a variance where the

application of this code would create a particular hardship for the sign user provided the following criteria are met.

1. Hardship caused the sign user under a literal interpretation of this code that is due to conditions unique to the property and does not apply generally to the City.
2. The granting of the variance would not be contrary to the general objectives of this code or the land use plan.
3. A public hearing is held before the Planning Commission for the purpose of providing the opportunity for public input regarding the proposed variance to this code.
4. A public notice of the public hearing indicating the variance sought.
5. A sign indicating the variance sought and the day, time and location of the public hearing will be posted on the property, in a location plainly visible and readable from the public road.
6. All Abutting Property Owners must be notified by the applicant of the variance sought, and of the public hearing.
7. In granting a variance, the Planning Commission may attach additional requirements necessary to carry out the spirit and purpose of this Section in the best interest of the public.

Section 10.06.08 Violations

When a violation of the sign code exists, the Code Enforcement Office shall issue a written order to the alleged violator. The order shall specify those sections of the sign code of which the individual may be in violation of and shall state that the individual has sixty (60) days from the date of the order in which to correct the alleged violation, or appeal to the City Council.

If on an inspection the Code Enforcement Office finds that a sign has been abandoned or is structurally or materially defective in any such way that it endangers the public, the Code Enforcement Office shall issue a written order to the owner of the sign and the property owner, stating the nature of the violation and requiring the owner to remove the endangerment immediately and to repair or remove the sign within thirty (30) days of the order.

In cases of emergency, the Code Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in the matter must present a hazard to the public safety.

In cases of illegal signs placed in the public right-of-way, the Code Enforcement Office may cause immediate removal of the sign without notification to the owner of the sign.

Section 10.06.09 Penalties

Any person, who fails to comply with the provisions of the section within ten (10) days after a written notice from the Code Enforcement Office, may be subject to a fine of fifty (\$50.00) dollars for each week or portion thereof that the violation continues.

Section 10.06.10 Appeals

Any failure to respond to an application within ten (10) working days or receipt of any decision rendered by the Code Enforcement Office in denying a permit or variance or in alleging a violation of this section may be appealed to the City Council within sixty (60) days of the Code Enforcement Office's receipt of application. This action being appealed shall be held in abeyance pending the decision of the City Council.

<p style="text-align: center;">ARTICLE XI</p> <p style="text-align: center;">NONCONFORMING STRUCTURES AND USES</p>
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Section 11.01.0. Nonconformities Generally

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Any nonconforming use, structure, or use of structure which legally existed prior to the effective date of these regulations or any use, structure or use of structure which has been rendered nonconforming by the provisions of these regulations may continue to be utilized in the same fashion as existed prior to the adoption of these regulations in conformity with the following provisions.

Section 11.02.0. Nonconforming Use of Land

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

Section 11.02.0. Nonconforming Use of Land

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied and so used on the effective date of adoption of these regulations. The same shall apply with regard to any amendment of these regulations which shall make the use nonconforming; it shall not be enlarged or increased nor extended to occupy a greater area of land than occupied on the effective date of such amendment.
2. If no structural alterations are made, a nonconforming use of the land may be changed to another nonconforming use of the same or more restrictive classification. In no such case, however, shall such use of the land be transferred to a more intensive nonconforming use. For example, a nonconforming commercial use shall not be changed to an industrial nonconforming use, nor a nonconforming residential to a nonconforming commercial - such a change would be more intensive.
3. When a nonconforming use has been discontinued or abandoned, and its appearance does not depict an on-going use; and further, if said discontinuation or abandonment exists for a period of more than six (6) months, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located. The owner of the property may petition the Commission for an extension of time to re-continue the nonconforming use, provided that:
 - a. such request is submitted to the Commission prior to the end of such six (6) month period; and,
 - b. the petitioner provides substantial justification for such an extension of time; and,
 - c. the maximum period of time for discontinuation or abandonment shall not exceed twelve (12) months.

Section 11.03.0. Nonconforming Structure

Where a lawful structure exists on the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restriction on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

1. Upon approval of the Board of Adjustment, such structure may be remodeled or repaired to maintain the premises in a safe and usable condition.
2. In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage or destruction, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located. When such damage or destruction is less than fifty percent (50%) of the reasonable replacement value of the structure immediately prior to such damage, the structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that no such repair or reconstruction is commenced and completed within six (6) months of the date of such damage and destruction. If the damaged structure sits idle for six (6) months, it may not be restored; and the owner shall demolish it and clear the site.
3. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the requirements of the zoning district in which such structure is located after being relocated.
4. A nonconforming structure upon the approval of the Board of Adjustment may be added to and/or enlarged if said addition or enlargement meets the area requirements of the zoning district in which the structure is located, provided said use of structure is then in conformance with these regulations.
5. A nonconforming residential structure, upon approval of the Board of Adjustment, may be added to and enlarged if such action does not create any further non-conforming effect or element.
6. A mobile home lawfully placed prior to annexation or adoption of these regulations shall be a nonconforming use. A nonconforming mobile home, when removed, shall not be returned or replaced by another mobile home, except that a mobile home may be replaced within a nonconforming mobile home park.

Section 11.04.0. Nonconforming Use of Structure

If a lawful use of a structure or of structure and premises in combination exists on the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, said 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 in these regulations 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 these regulations, but no such use shall be extended to occupy any of the sites 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 and that it is not of greater intensity.
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 a structure and premises in combination is discontinued or abandoned for a period of six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the requirements of the district in which it is located.

ARTICLE XII

BOARD OF ADJUSTMENT

Section 12.01.0. Creation and Appointment

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of seven (7) members who shall also be members of the Planning Commission. The term of office for any member shall coincide with that member's term of office on the Planning Commission.

Section 12.02.0. Organization

12.02.01. Officers

A Chairman, a Vice Chairman, and a Secretary shall be elected annually by the Board from among its membership. The Chairman, or in his absence, the Vice Chairman, shall preside at all meetings, shall decide all points of procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Secretary shall maintain the official records of minutes and actions of the Board.

12.02.02. Rules and Meetings

The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations:

1. Meetings of the Board shall be held at such time and at such place within the City as the Board may designate and may meet at any time on call of the Chairman or upon request of three (3) members of the Board. All meetings of the Board shall be open. Notice of any meeting shall be published in a newspaper of general circulation in the City of Highland, noting the time, date, place, and business at hand, at least seven (7) days prior to the meeting.
2. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a. Time, date and place of meeting.
 - b. Names of members present.
 - c. Citation, by number and description, of appeal or application.
 - d. Pertinent facts of the case.
 - e. Names of persons appearing and their interest in the case.
 - f. Record of vote by name.
 - g. Authority for decision (cite ordinance or statute) and reason for conditions imposed.
3. The minutes of the meeting shall be filed by the Secretary of the Board in the office of the City Clerk and shall be public record.
4. The presence of three (3) members of the board shall constitute a quorum. The voting of three (3) Board members shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the regulations, or to authorize a variance from the requirements of these regulations.
5. The Secretary of the Board shall notify by mail or in person each member of the Board of a scheduled or called meeting seven (7) days in advance of the meeting.
6. Any member of the Board who fails to be in attendance at two (2) consecutive scheduled meetings shall have his appointment declared vacant; and a new member shall be selected as provided above in section 12.01.0. The Secretary shall promptly notify the Mayor of any such vacancy.

Section 12.03.0. Powers and Duties

The Board of Zoning Adjustment shall have all the powers and duties described by law and by these regulations, which are more particularly described as follows:

12.03.01. Administrative Review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of these regulations. The Board may affirm or reverse, in whole or in part, said decision of the Enforcement Officer.

12.03.02. Variances

1. The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless and until:
 - a. The applicant demonstrates that special conditions and circumstances exist which:
 - (1.) are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district such that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; and,
 - (2.) are not the result from the actions of the applicant.
 - b. The Board finds that granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.
2. The existence of a nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.
3. The Board 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 shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. 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 these regulations.
6. Under no circumstances shall the Board grant a variance to allow a land use not permissible under the terms of these regulations in the district involved, or any land use expressly or by implication prohibited by the terms of these regulations in said district.

12.03.03. Special Exemptions

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

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of these regulations.
2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of such districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
3. Vary the parking requirements by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these regulations. In requesting such a waiver or exemption, the applicant shall provide a parking plan which specifies:
 - a. the expected number of employees, both on average and the maximum at any given time; and,
 - b. the expected number of customers likely to require parking, both on average and during periods of peak demand; and,
 - c. the manner in which the parking requirements of both employees and customers will be met.

In considering the merits of the request, the Board shall consider the impacts on adjacent and near-by businesses or uses, as well as traffic circulation and safety.

4. Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted (less intense) zoning classification as the original nonconforming use.

Section 12.04.0. Procedure for Appeals

12.04.01. 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 Enforcement Officer. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten (10) days after the decision has been rendered by the Enforcement Officer and at least seven (7) days prior to the Board's next meeting.

12.04.02. 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 seven days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear in person, by agent, or by attorney.

12.04.03. 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 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.

12.04.04. 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 sixty (60) days unless such use is established or the erection or alteration is started within such period.

12.04.05. Fee

The fee for any appeal or application to the Board shall be Twenty-five Dollars (\$25.00), no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk each month all fees collected during the preceding month.

12.04.06. Appeals from Board of Adjustment

Any decision of the Board of Zoning Adjustment shall be final, subject only to review by a court of competent jurisdiction.

ARTICLE XIII

VALIDITY AND REPEAL

Section 13.01.0. Validity

These regulations and 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 these regulations shall, not be affected thereby.

The City Council of the City of Highland 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 13.02.0. Repeal

All ordinances or parts of ordinances in conflict with these regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effect upon its adoption by ordinance of the City Council of the City of Highland, Arkansas.