

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance Adopted
- 14.08 Mobile Homes
- 14.12 Municipal Airport Board
- 14.16 Signs
- 14.20 Annexing and Rezoning Property

CHAPTER 14.04

ZONING ORDINANCE ADOPTED

Sections:

- 14.04.01 Authority – Purpose
 - Section 1 Authority
 - Section 2 Purpose
- 14.04.02 Definitions
 - Section 1 Definitions
- 14.04.03 Use Zones
 - Section 1 Residential R-1
 - Section 2 Commercial C-1, C-2, C-3
 - Section 3 Industrial I-1
 - Section 4 Special Uses
 - Section 5 Agricultural and Forestry AG
 - Section 6 Mixed Use MU-1 (Central Business Dist)
- 14.04.04 General Regulations
 - Section 1 Annexed Area
 - Section 2 Completion of Existing Buildings
 - Section 3 Home Occupations
 - Section 4 Existing Lots and Lot Area
 - Section 5 Nonconforming Buildings and Uses
 - Section 6 Sign, Bulletin Board and Outdoor Advertising Structures

- 14.04.05 Board Of Zoning Adjustment
 - Section 1 Organization
 - Section 2 Meetings
 - Section 3 Appeals from Decisions of Building Officials
 - Section 4 Powers
 - Section 5 Variance and Special Use Permits
 - Section 6 Other Functions of Board
 - Section 7 Appeals from Decisions of the Board
 - Section 8 Notice of Public Hearing
- 14.04.06 Amendments To Zoning Regulations
 - Section 1 Amendments by Public Body
 - Section 2 Amendments by Individual Property Owners
- 14.04.07 Enforcement And Administration
 - Section 1 Responsibility
 - Section 2 Building Permits
 - Section 3 Fees
 - Section 4 Violations
 - Section 5 Penalty for Violation

14.04.01 Authority – Purpose

Section 1. Authority Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City of Cotter, Arkansas to enact zoning regulations and to provide for their administration, enforcement and amendment. The Cotter City Council, pursuant to the provisions of Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulations pertaining to these districts in accordance with the Comprehensive Development Plan. These regulations apply to all land and structures and are in effect throughout the entire city limits of Cotter, Arkansas.

Section 2. Purpose

- A. The City Council deems it necessary, for the purpose of promoting the health, safety, morals, order, and general welfare of the City, to enact these zoning regulations.
- B. These zoning regulations are designed to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

to stabilize property values; and to insure orderly development of the community for the general welfare of the citizens.

- C. These zoning regulations provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of buildings and encouraging the most appropriate use of land in the City of Cotter.
- D. City of Cotter recognizes the town for being a good place to retire and enjoy a quiet river, and world-class trout fishing. We recognize the town for being a good place to live and enjoy type of life. Our natural resources provide an ideal community for visitors and new residents who would enjoy our schools, city parks, historical bridge and downtown, city park spring, nature trail along the White a quiet type of life to attract young families, retirees, veterans, and business to support our vision for our community.

A community that prides itself on protecting the integrity of its neighborhoods, natural surroundings, and history, while being open to planned, compatible growth, and retaining the small town atmosphere to protect the health, safety, welfare and morals of our community.

- E. A number of general objectives, which became apparent during the planning studies, are proposed:
 - 1. Basically, to strive for a more convenient, harmonious, efficient, functional, and attractive community.
 - 2. To promote safety through street designs and the location of such public facilities as schools, fire stations, and parks.
 - 3. To promote increased trade within the city for the convenience of the residents, and to expand the local economy.
 - 4. To achieve a land use pattern that will provide for the long-range needs of Cotter and that will be functional and economically feasible in terms of community services.
 - a. To promote residential development, which is safe, convenient, and attractive, thus creating a healthful environment for families. Protect the health, safety, welfare, and morals of the community.
 - b. To create safe and attractive commercial areas.
 - c. To provide attractive and functional areas for existing and future industrial growth.
 - 5. To create a functional street pattern providing for traffic circulation and safety.

6. To promote the expansion of school facilities to meet anticipated needs.
7. To develop recreational facilities -- parks and playgrounds -- for all age groups.

All of these general objectives were considered and are reflected in the Comprehensive Development Plan for Cotter, Arkansas.

14.04.02 Definitions

Section 1. Definitions

- A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:
 1. The word shall is mandatory, the word may is permissive.
 2. The words used or occupied shall include the words intended, designed, or arranged to be used or occupied.
 3. The word lot includes the words plot and parcel.
 4. The present tense includes the future tense, the singular number and includes the plural, and the plural number includes the singular.
- B. For the purpose of these regulations, the following terms or words are defined as follows:
 1. Accessory Structure. A subordinate structure located on the lot with the principal structure. Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure. An example of an accessory structure for a non-residential structure would be the educational buildings of a church, with the sanctuary being the principal structure.
 2. Accessory Use. A use which is customarily incidental to the principal use. In buildings restricted to residential use, the office of a professional man or customary family workshops not conducted for compensation shall be deemed an accessory use.
 3. Alley. A narrow public way not in excess of 20 feet which affords a secondary means of access to abutting properties and not intended for general traffic circulation.

4. Area. This term refers to the amount of land surface in a lot or parcel.
5. Area Requirements. The yard, lot area, width of lot, and parking requirements as set forth in a specific district.
6. Building Official. A person appointed by the City Council to administer and enforce these regulations.
7. Dwelling Unit. A structure or portion thereof providing complete housekeeping facilities for one family. The term shall not be construed to include motels, hotels, or rooming houses.
8. Dwelling, Single Family. A detached structure designed for or occupied by one family only.
9. Dwelling, Two-Family. A detached structure designed for or occupied by two families, only, with separate housekeeping and cooking facilities for each.
10. Dwelling, Multi-family. A structure designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
11. Existing. The established fact of the use of land or structure at time of effective date of these regulations.
12. Family. One or more persons occupying premises and living as a single, non-profit housekeeping unit provided that, unless all members are related by blood or marriage, the number of persons shall not exceed five.
13. Fence. Definition pending City Council ratification.
14. Floor Area. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings but not including cellar or basement space not used for retailing and not including accessory off-street parking or loading zone.
15. Grazing Lands. Lands used for grazing livestock under conditions where pasture foraging provides the primary nutrition source and only supplemental feeding is provided. (Ord. No. 1999-07.)

16. Home Occupation. Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an unlighted identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: (a) Art studio; (b) Dressmaking; (c) Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) Teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include restaurants.
17. Lot. A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to same.
18. Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
19. Manufactured Housing. *(To be ratified by City Council)*
20. Mobile Home. A portable single-family dwelling unit designed to be transported, after fabrication, on its own wheels or on a flat-bed or other trailer to a suitable lot area for location on a fixed foundation. The term shall not be construed to include recreational vehicles, camping trailers, and other type vehicles designed primarily for temporary occupancy on an on-and-off-the road basis. In addition, the definition of a mobile home as set out herein shall not include manufactured homes which have HUD approval and which have had the axles and wheels removed from said home. (Ord. No. 93-2, Sec. 2.)
21. Mobile Home Park. A commercial operation where two (2) or more spaces are provided for locating mobile homes, on a non-transient basis, with suitable water, sewage disposal, and utilities provided to each space.

22. Nonconforming. A use or structure or both that existed prior to the adoption of these regulations but which does not meet the requirements of these regulations.
23. Open Space. Any unoccupied space on a lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.
24. Parking Space. An on-lot space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of space necessary to provide access to a street or alley.
25. Principal Use. The chief or main recognized use of a structure, of lot, or of land.
26. Property Line. The line bounding a lot as described herein.
27. Street. A public way which affords the principal means of access to abutting properties.
28. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, signs and poster panels, but do not include walks, parking areas, drives and fences. (Ord. No. 2006-8, Sec. 1.)
29. Use of Land. The unoccupied portion of a lot shall be considered to be in the same use as is the principal structure located on the lot unless such land is utilized for open storage or agriculture outside of the structure, then the use of land shall be classified according to the nature of its use.
30. Yard. A horizontal distance from a lot line to a parallel designated line. A yard is an open space extending the full distance of the lot.
31. Under Construction. A building may be constructed without being bound by the requirements of these regulations if the foundation was completed before the adoption or amendment of these regulations, and if the construction is completed within one (1) year after the adoption or amendment.
32. Boarding House - A building with at least two, but not more than five rooms offered for lodging and meals. (Ord. No. 2017-01.)

33. Hotel - A building or buildings intended and designed for transient overnight or extended occupancy, divided into separate units with the same building with or without a public dining facility. (Ord. No. 2017-01.)
34. Bed and Breakfast – An occupied private dwelling that provides overnight temporary travelers’ accommodations in a single-family residence offering lodging and meals for a fee. (Ord. No. 2017-01.)
35. Transitional Housing Facility -Drug Rehabilitation Facility, Re-entry Correction Facility – A building with at least two rooms offered for non-temporary, transitional lodging to persons within second kindred to each other; but shall not include convalescent or nursing homes, hotels, rest homes or other facilities providing elder or regulated health care. (Ord. No. 2017-01.)
36. A tiny house on wheels (THOW) is house ranging in size from 150 to 400 square feet. A Tiny House on wheels is considered a recreational vehicle as it pertains to zoning. (Ord. No. 2019-01, Sec. 1.)

14.04.03 Use Zones The City of Cotter is divided into the following use zones as indicated on the Zoning Map, which is a part of these regulations.

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

R-1	Residential (low density)
R-2	Residential (low-medium density)

(Ord. No. 1977-02.)

Commercial Use Zone The commercial use zones are intended for the conduct of business and provision of services and the processing and manufacturing of goods which by the nature of the operation do not constitute a nuisance or a danger to the community.

C-1	Commercial
C-2	Highway Commercial (Ord. No. 1979-02.)
C-3	Quiet Commercial (Ord. No. 1997-01.)

Industrial Use Zone The industrial use zone is intended for general manufacturing and industrial activities, and for the bulk storage of goods.

I-1	Industrial
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Agricultural and Forestry Zone An area for agricultural uses and rural residential uses protected from intensive development

AG Agricultural and Forestry

(Ord. No. 99-7, Sec. 1.)

Mixed Use MU-1 The mixed use zone is intended to allow residential properties to intermixed with commercial properties. It will allow new residences, owners of existing residences to rebuild in the event of a catastrophe, and business owners to reside on or near their commercial property. (Ord. No. 2012-01.)

MU-1

Central Business District

Boundaries

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

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

- a. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- d. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- e. In circumstances not covered by the preceding rules, the Board of Zoning Adjustment shall interpret the district boundaries.
- f. Boundary lines for Central Business District Zone C-1:

Beginning at the point where the center line of the alley between South Avenue and Tyler Avenue intersects the center line of 3rd Street, go northwest along the center line of 3rd Street to the point of intersection with the center line of the alley between Combs Avenue and McLean Avenue. Then left (SE) along the center line of the alley to a point of intersection with the lot line between Lot 794 and

Lot 795. Then right (NW) along said lot line to the center of Combs Avenue. Then left (SW) along the center line of Combs Avenue to a point of intersection with the lot line between Lot 849 and Lot 850. Then right (NW) along said lot line to the center of the alley between Combs Avenue and Dalton Avenue. Then right (NE) along the center line of the alley to a point of intersection with the lot line between Lot 1091 and Lot 1092. Then left (NW) along said lot line to the center line of Dalton Avenue. Then left (SW) along the center line of Dalton Avenue to the point of intersection with the center line of 2nd Street. Then right (NW) along the center line of 2nd Street to the point of intersection with the center line of Harding Boulevard (U.S. Hwy. 62). Then left (S) along the center line of Harding Boulevard to the point of intersection with the northwest side of Powell Avenue. Then right (SW) in the same direction as the northwest side of Powell Avenue would follow if extended. Follow this extended line to the point where it intersects the present C-2 Zone line. Then left (SE) and follow the C-2 Zone line to where it joins the R-2 Zone line at the center line intersection of 1st Street and McLean Avenue. Continue southeast along the B-2 Zone line to a point where the extended center line of the alley between South Avenue and Tyler Avenue would intersect the R-2 Zone line. Then left (NE) along the center line of the alley to the point of beginning at the center line of 3rd Street. (Ord. No. 79-2, Sec. 1.)

Section 1. Residential

R-1 (low density) – This zone is intended primarily for conventional type single-family and two-family dwellings with a suitable lot area.

R-2 (low-medium density) – This zone is intended primarily for single-family, two-family, and multi-family dwellings with a suitable lot area.

A-1 1. Permitted Uses – R-1 Zone

- a. Residential structures.
- b. Public schools, parks, churches and religious educational buildings.
- c. Municipal recreational uses and public utilities.
- d. Accessory structures or uses incidental to the principal use.
- e. Home occupation, as defined.
- f. Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Conditional Use and Special Use

- 1.
- 2.
- 3.

- 4.
- 5.

A-2 1. Permitted Uses – R-2 Zone

- a. Residential structures.
- b. Mobile homes.
- c. Mobile home parks.
- d. Public schools, parks, churches and religious educational buildings.
- e. Municipal recreational uses and public utilities.
- f. Accessory structures or uses incidental to the principal use.
- g. Home occupations, as defined.

2. Conditional Use and Special Use

- 1.
- 2.
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- 4.
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B-1 Area requirements, residential

1. Minimum lot area:

- | | | |
|----|-----------------------------|--|
| a. | Single family | 6,800 |
| b. | Two family and multi-family | an additional 2,250 sq. ft. for each additional family unit per lot. |

2. Minimum lot width: (at front yard building line)

- | | | |
|----|-----------------------------|--|
| a. | Single family | 70 ft. |
| b. | two family and multi-family | an addition 15 feet for each additional family unit per lot. |

3. Front yard: minimum of 25 feet from front street lot line. On corner lots the front yard shall be considered as parallel to the street upon which the lot line is the shortest.

4. Side yard (each): minimum of 10 feet from each property line.

5. Side yard (street): minimum of 15 feet from side street lot line.

6. Rear yard: minimum of 20 feet from rear lot line or center of alley if alley exists.
7. Off-street parking:
 - a. Single-family and two-family dwellings: parking space shall be provided on the lot to accommodate one motor vehicle for each family unit.
 - b. Multi-family dwellings: four on-lot parking spaces shall be provided for the first two families, plus one on-lot parking space for each additional family unit. (Ord. No. 93-2, Sec. 1.)
8. Residential structures (single-family) shall have a minimum square footage of 750 square feet in R-1 and R-2. See definitions "Floor Area" explaining measurements how square footage is determined.
 - a. Exceptions: In R-2 zoning, Mobile Home Parks shall have a minimum square footage of 475 square feet for Manufacture/Mobile Homes. And Multiple Family Residence such as Duplexes and Quadplex shall have a minimum square footage of 475 square feet per living unit.
 - b. Exception: Where a subdivision covenant exceeds the minimum requirements, the covenant shall take precedent. (i.e., the Covenants for Rainbow Heights Subdivision requires a minimum of 1,600 square feet) (Ord. No. 2019-01, Sec. 1.)

B. Area Requirements, Mobile Home and Mobile Home Park

1. A mobile home located on an individual lot in the R-2 residential zone shall conform to all the area requirements specified for a single-family dwelling.
2. Area requirements applicable to a mobile home located within a mobile home park are set forth in Subsection E, Mobile Home and Mobile Home Park Requirements.

C. Area Requirements, Place of Public Assembly

1. Height: Maximum shall be two and one-half stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.
2. Yard: Minimum of 25 feet from all property lines.
 - a. Off-Street Parking: Parking space shall be provided on the lot to accommodate one

- b. motor vehicle for each six (6) persons accommodated within the designated capacity of the assembly hall.

D. Mobile Home and Mobile Home Park Requirements / Manufactured Housing

Manufactured housing and Mobile homes for the purpose of these regulations shall be considered as one and the same.

- 1. Mobile Home: A mobile home parked for habitation purposes within the corporate limits of the city of Cotter, whether located on an individual lot or within a mobile home park, shall comply with the following requirements;
 - a. Have the wheels and axles removed and shall be positioned on fixed foundations with skirting installed.

- b. Be anchored to the ground in one of the manners included in the most current issue of the Defense Civil Preparedness Agency publication entitled Protecting Mobile Homes From High Winds on file in the office of the City Clerk.
- c. Be connected to an approved water supply, sanitary sewer, and utility lines in compliance with the latest codes, ordinances, and health standards applicable to the city of Cotter. All such connections shall be completed prior to occupancy.

2. Mobile Home Park

- a. The Park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. Each mobile home space shall be at least 40 feet wide and contain a minimum of 4,000 square feet.
- c. No mobile home shall be located closer than 10 feet to any property line bounding the park, or closer than 25 feet to any other mobile home or any building within the park.
- d. Each mobile home space shall contain parking space for one motor vehicle and shall abut upon a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

Section 2. Commercial

The commercial zones are intended for those businesses which provide (1) convenient shopping and services for the residents of Cotter and adjacent areas, and (2) services for highway traffic.

A. C-1

1. Permitted Uses

- a. Retail establishments providing goods and service
- b. Professional offices, banks, and related uses
- c. Hotels and motor hotels
- d. Governmental and administrative offices
- e. Commercial recreation
- f. Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet.

3. Yard Requirements

- a. Rear yard -- a minimum of 15 feet from the property line, or from the center of the alley where one exists.

4. Loading and Unloading

- a. Loading and unloading facilities, driveways and parking areas shall be provided so as not to block any public right of way and shall be accessed from the side or rear of the lot.

5. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

B. Highway Commercial C-2

1. Permitted Uses

- a. Retail establishments providing goods and services
- b. Auto sales and service facilities
- c. Professional offices, drive-in banks and related uses
- d. Motels
- e. Commercial recreation

Mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this zone.

2. Height

- a. The maximum height of a structure shall be 2 stories and shall not exceed 36 feet

3. Yard Requirements

- a. A minimum of 25 feet from all street right-of-way and residential property lines.

4. Lot Coverage
 - a. No structure shall cover more than one-half of the lot area.
5. Off-street Loading and Unloading
 - a. Loading and unloading facilities shall be provided so as not to block any public right-of-way.
6. Off-street Parking
 - a. Commercial uses: one parking space for each 200 square feet of floor area.
 - b. Places of public assembly: one parking space for each (6) six people.
7. Conditional Use and Special Use
 1. A. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Correction Facility
 1. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Facility shall be required to submit application for Conditional Use as follows.
 2. Conditions shall not create an unsafe environment for occupants, a public health hazard, or a nuisance condition at the establishment or surrounding community.
 3. Facilities shall comply with all local and state fire codes and ordinances, State and Federal Building codes. In addition, these Facilities shall comply with NFPA Standards 101 Life Safety Code, Chapters 22 and 23 – Detention and Correctional Occupancies. Facilities shall be required to have (1) a Fire Protection Sprinkler System, (2) a monitored Fire Alarm System and (3) on site personnel providing 24 hour qualified supervision.
 4. Prior to issuing any Building Permit and/or Occupancy Permit for Transitional Housing Facility, Drug Rehabilitation Facility, or Re-Entry Correction Facility, such Application for said facility shall be submitted to the Planning and Zoning Board for review with final approval by the City Council.
 5. Transitional Housing Facility, Drug Rehabilitation Facility, Re-entry Correction Facility are not allowed in other Zones, i.e. C-1, C-3, R-1, R-2, I-1 and MU-1. (Ord. No. 2017-01.)

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B. Quiet Commercial C-3

1. Permitted Uses

- a. Bed and breakfast
- b. Uses allowed in Zone R-1

2. Conditional Use and Special Use

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- 2.
- 3.
- 4.
- 5.

C. Requirements

1. All requirements as outlined in chapter III, Section 1B, Residential Requirements, shall apply to this special zone.
2. Does not require the use of commercial vehicles in the regular operation of the business.
3. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential use.
4. Shall not erect a sign larger than two (2) square feet on the premises, or use any portion of existing buildings as signage.
5. Shall not permit the external display of goods for sale.
6. Shall not serve meals or sell prepared food to persons other than overnight guests. (Ord. No. 97-01.)

Section 3. Industrial I-1

This zone will provide space for manufacturing activities. It is also intended for the storage and sale of bulk materials which are prohibited in the commercial zones.

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging or assembling of such products when it is found by the enforcement officer that the location and the safeguards taken will so reduce the noise, dust, odor, or vibration as not to be detrimental or dangerous to the health, safety, or general welfare of the people.
 2. Storage of bulk material when it is found by the enforcement officer that the specific location and safeguards taken will so reduce the danger of fire or explosion as not to be dangerous to the health, safety, or general welfare of the people.
- B. Residential Uses Prohibited
1. No structure may be constructed or altered for residential use.
- C. Area Requirements
1. All structures shall be built at least 25 feet from all property lines abutting a residential zone, and 12 ½ feet from all other property lines.
- D. Height
1. Maximum height of a structure shall be three stories and not to exceed 45 feet.
 2. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and structure to house the operation requires greater height.
- E. Off-street Parking
1. One on-lot parking space shall be provided for every 6 employees.
- F. Off-street Loading and Unloading Facilities
1. Each structure or use shall provide off-street loading and unloading facilities which will not block a street, alley, or other public way.
- G. Conditional Use and Special Use
- 1.
 - 2.
 - 3.
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 - 5.

Section 4. Special Uses

The City Council of Cotter or the Board of Zoning Adjustment, by special permit, after public hearing and after study and report by the Planning Commission subject to such reasonable

conditions and protective restrictions as are deemed necessary, may authorize the following special uses in any district from which they are otherwise prohibited:

1. Cemetery or mausoleum
2. Funeral Home
3. Greenhouse or nursery
4. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than 40 percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height in excess of height limits specified in these regulations.
5. Nursing homes
6. Radio tower or broadcasting station.
7. Public utility structure.

Section 5. Agriculture and Forestry

This zone will provide an area for agricultural uses and rural residential uses protected from intense development.

A. Permitted uses

1. Grazing lands
2. Timber Cutting
3. Field, row and tree crops
4. Fishing bait tackle sales
5. Single-family homes
6. Farm implement storage
7. Municipal parks and playgrounds
8. Similar uses deemed by the planning Commission to be in character with the zone

B. Conditional Uses (Conditional Use Permit Required)

1. Keeping livestock
2. Animal shelters
3. Agricultural industries
4. Sales building for agricultural products
5. Lumber industries

6. Child Care-Day Care facilities
7. Radio, TV transmitter tower
8. Public utilities
9. Clubs and lodges
10. Fuel storage
11. Camps and resorts
12. Churches
13. Cemeteries
14. Similar uses deemed by the Planning Commission to be in character with the zone.

C. Temporary Uses (Temporary Use Permit required)

1. Arts and crafts shows or fairs
2. Music festivals
3. Circuses, carnivals
4. Similar uses deemed by the Planning Commission to be in character with the zone.

D. Home Occupation

Home occupations may be permitted subject to the criteria contained in Chapter IV, Section 3 of the general regulations, and approval of a Home occupation Permit by City Hall

E. Permitted Signs

Must conform to existing sign code.

F. Lot dimensions

Minimum Lot Area: 1 acre

Minimum lot Width: 150 feet

Minimum Setback from street right-of-way lines shown on Master Street plan where property abuts any streets: 30 feet

G. Conditional Use and Special Use Permit

- 1.
- 2.
- 3.
- 4.
- 5.

(Ord. No. 1999-07)

Section 6. Mixed Use MU-1

The mixed use zones are intended for (1) businesses which provide convenient shopping and services for the residents of Cotter and adjacent areas, and (2) residences.

A. Mixed Use MU-1

1. Permitted Uses

- a. Retail establishments providing goods and service
- b. Professional offices, banks, and related uses
- c. Hotels and motor hotels
- d. Governmental and administrative offices
- e. Commercial recreation
- f. Single and Multi-family residences

Sexually oriented businesses, self-storage units, hazardous material storage and mobile homes and mobile home parks, as defined in Chapter 3, Section E, are not permitted in this Zone.

2. Height

- a. The maximum heights of a structure shall be 2 stories and shall not exceed 36 feet.

3. Yard Requirements

- a. Rear yard – a minimum of 15 feet from the property line, or from the center of the alley where one exists.

4. Loading and Unloading

- a. Loading and unloading facilities, driveways and parking areas shall be provided so as not to block any public right of way and shall be accessed from the side and rear of the lot.

5. Existing Residence

- a. If an existing residence is destroyed, a new residence may be built using the same footprint as the previous building.

6. Conditional Use and Special Use

- 1.
- 2.
- 3.
- 4.
- 5.

(Ordinance No. 2012-01)

14.04.04 General Regulations

Section 1. Annexed Area

- A. Territory annexed to the City of Cotter after adoption of these regulations shall be given use designations within 90 days after the effective date of annexation in accordance with the amendment procedures of these regulations.
- B. Before official use designation is made after annexation, all requests for building permits shall be referred to the City Planning Commission or a committee thereof. The Planning Commission or its designated committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

Section 2. Completion of Existing Buildings

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

Section 3. Home Occupations

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

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

Section 4. Existing Lots and Lot Area On any lot in a residential use district which is on a plat of record at the time of passage of these regulations, a one-family structure may be erected even though the lot be of less area or width than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

Section 5. Nonconforming Buildings and Uses (Approved by City Council 1/28/2016)

The lawful use of a building or premises existing at the time of adoption or amendment of these zoning regulations may be continued although such use does not conform with the provisions of these regulations. Such nonconforming use may not be extended **with the following exceptions (s):**

If a nonconforming residential structure is a non-residential zone is destroyed through no fault of the property owners, the structure may be rebuilt up the same footprint and using similar dimensions.

For all other nonconforming structures, the total structural repairs or alterations in such a nonconforming building shall not exceed 50 percent of the assessed value of the building unless permanently changed to a conforming use.

If **any** nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to these regulations. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Adjustment after public notice and in accordance with the rules of the Board.

Section 6. Sign, Bulletin Board and Outdoor Advertising Structures (Ord. Nos. 1997-06 & 2007-08)

See Appendix 1 – Cotter Arkansas Sign Ordinance

14.04.05 Board Of Zoning Adjustment

Section 1. Organization

- A. Board of Zoning Adjustment is hereby created which shall consist of the Planning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

Section 2. Meetings

- A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least on time seven days prior to the meeting.

Section 3. Appeals from Decision of Building Official

- A. An appeal may be taken to the Board of Zoning Adjustment by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof. A fee of \$5.00 shall accompany all notices of appeals.

Section 4. Powers The Board of Zoning Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on, and decide the following exceptions to or variations of these regulations:

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

Section 5. Variance and Special Use Permits

- A. The Board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances or special use permits only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Act 186 of 1957 as amended.
- D. The Board may impose conditions in the granting of the variance or special use permit to insure compliance and to protect adjacent property.

Section 6. Other Functions of Board

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

Section 7. Appeals from Decisions of the Board

- A. Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board in accordance with Act 186 of 1957 as amended.

Section 8. Notice of Public Hearing

- A. Whenever an appeal or application for a variance or special use permit is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in said notice to designate the particular location with which

the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

14.04.06 Amendments To Zoning Regulations

Section 1. Amendments by Public Body

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

Section 2. Amendments by Individual Property Owners

- A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed change.
- B. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 - 1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing.
 - 2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council for adoption.

3. If the Planning Commission disapproved a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

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

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.
- C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
 - D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his property shall deposit with the City Clerk the sum of twenty-five dollars (\$25.00) to cover the expenses involved in this procedure, and any excess shall be returned to the petitioner.

14.04.07 Enforcement And Administration

Section 1. Responsibility

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

Section 2. Building Permits (See Appendix 2 0 Ord. 2007-07))

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

Section 3. Fees

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

Section 4. Violations

- A. If the Building Official shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violation fail to take the necessary action to correct it, the Building Official shall notify the City Council of the violation, said City Council shall certify the violation to 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.

Section 5. Penalty for Violation

- A. Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, 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 or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

CHAPTER 14.08

MOBILE HOMES

Sections:

14.08.01	Definitions
14.08.02	Prohibited areas
14.08.03	Unlawful
14.08.04	Exception
14.08.05	Fine

14.08.01 Definitions For the purpose of this ordinance, the following terms shall be deemed and construed to have the meaning respectively ascribed to them in this section unless from the particular context it clearly appears that some other meaning is intended:

Person shall mean and include both the singular and plural and shall also mean and include any individual, firm, corporation, partnership, association, club, society or any other organization.

Mobile home shall mean and include any structure, which could be used as a year-round dwelling unit, vehicular in design, which may, during the period of time from its inception, be or have been driven, towed or propelled from one location to another, whether or not the same be supported by wheels or on a foundation. (Ord. No. 73-165, Sec. 1.)

14.08.02 Prohibited areas The following described area within the corporate limits of the city of Cotter, Baxter County, Arkansas, as shown by the recorded plats of the city of cotter, Arkansas, and of Cotter Heights and Reddick's Addition to the city of Cotter, Arkansas, all as recorded in the plat books of the Circuit Clerk and ex-officio Recorder of Baxter County, Arkansas, is hereby zoned to prohibit the use, occupancy and maintenance of mobile homes thereon:

All of Cotter Heights; also all that part of the city of Cotter as shown on the recorded plat of the city of Cotter, Arkansas, lying north and east of a line beginning at a point on the bank of White River which would be intersected by Sixth Street if said Sixth Street were extended northerly to said river, from said point of beginning run south along such line and along Sixth Street to Combs Avenue, run thence easterly along Combs Avenue to Seventh Street, run thence south along Seventh Street to South Avenue, run thence easterly along south Avenue to the west line of NW1/4, SE ¼ , Section 31, Township 19 North, Range 14 West; also all that part of the NW ¼ , SE ¼ and SW /14, SE ¼, Section 31, Township 19 North, Range 14 West lying within the corporate limits of the city of Cotter, Arkansas; also Lots 84, 85, 218 through 233, 237 through 247 in Reddick's Addition to the city of Cotter, Arkansas, which is not within the boundaries of the city of Cotter, Arkansas. (Ord. No. 73-165, Sec. 2.)

14.08.03 Unlawful It shall be unlawful for any person to erect, place, locate, move onto, or spot a mobile home upon the lands described in 14.08.02. (Ord. No. 73-165, Sec. 3.)

14.08.04 Exception This ordinance shall not be construed to prohibit the setting aside within said described lands a parcel or parcels of lands under single ownership as a mobile home park or parks or trailer park or parks, planned and improved for the placement of mobile homes for non-transient use and for which permit is issued by the City Council of the city of Cotter, Arkansas. (Ord. No. 73-165, Sec. 4.)

14.08.05 Fine Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each violation. Each and every day that such violation is permitted to exist shall constitute a separate offense. (Ord. No. 73-165, Sec. 5.)

CHAPTER 14.12

MUNICIPAL AIRPORT BOARD

Sections:

- 14.12.01 Created
- 14.12.02 Members
- 14.12.03 Authorization

14.12.01 Created There is established and created the Twin Lakes Municipal Airport Board consisting of five (5) members, which board is vested and delegated all of the authority granted municipalities authorized to be delegated under the provisions of Act No. 128 of the Acts of the General Assembly of Arkansas for 1953 to acquire, establish, construct, improve, equipment provide for the maintenance, operation, regulation, and protection of an airport and air navigation facilities for the benefit of the city of Cotter, the city of Mountain Home and the city of Gassville, in Baxter County, Arkansas. (Ord. No. 113, Sec. 1.)

14.12.02 Members H.E. Keeter, Frank Wolf, Sam Powell, T.J. McCabe and Ray Ramey, Jr., are hereby appointed as the members of the Twin Lakes Municipal Airport Board to serve until their successors have been duly appointed and qualified. (Ord. No. 113, Sec. 2.)

14.12.03 Authorization The Mayor and the City Recorder are hereby authorized and directed to execute the joint agreement with the city of Gassville, and the city of Mountain Home, a copy of which agreement, providing for the jointly acquired, owned and controlled airport shall be filed with the City Recorder. (Ord. No. 113, Sec. 3.)

CHAPTER 14.16

SIGNS

Sections:

14.16.01	Definitions
14.16.02	Sign permits
14.16.03	Sign maintenance
14.16.04	Existing signs
14.16.05	Exemptions
14.16.06	General regulations
14.16.07	Roof signs
14.16.08	Freestanding signs
14.16.09	Off-site signs
14.16.10	Projecting signs
14.16.11	Wall signs
14.16.12	Area identification signs
14.16.13	Business/professional directory
14.16.14	Board of Sign Appeals
14.16.15	Separability
14.16.16	Penalties

14.16.01 Definitions For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

Abandoned sign A sign which no longer correctly identifies, exhorts, directs or advertises a business, product, activity, project or person. May apply to an on-site or off-site sign.

Animated sign Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights or degree of lighting (see flashing sign)

Area identification sign A sign to identify a common area containing a group of structures or a single structure on a minimum site of (number) acres, such as a residential subdivision, apartment complex, industrial park, mobile home park or shopping center located at the entrance or entrances of the area and consisting of a fence, wall or archway with letters or symbols affixed thereto.

Banner Any sign printed or displayed upon cloth or other flexible material normally but not always without frame.

Beacon A stationary or revolving light which flashes or projects illumination, single color or multi-colors, in any manner which is intended to attract or divert attention; except however, this term is not intended to include any kind of lighting device which is required or prescribed by the Federal Aviation Agency, or used by any official public body, public utility or any authorized commercial enterprise when operating in behalf of public safety, health and welfare.

Billboard see Outdoor advertising structure

Board of Sign Appeals see 14.16.14.

Building face The visible outer surface of a main external wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into the surface. Each building wall will be considered to have only one building face and normally this shall be that wall containing the principle entry into the building and facing the street used for access to the building.

Building Inspector Enforcement Officer unless another Enforcement Officer is designated by Mayor and/or City Council. The city may designate more than one Enforcement Officer.

Bulletin board Sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for the purposes of announcing events which are held on the premises.

Canopy see Marquee.

Business/Professional Directory For purposes of this ordinance, a Business/Professional Directory shall mean that type of on-site normally used to list the businesses and/or professional goods and services being offered on the premises and shall contain no additional commercial message.

Central business district to be defined

City The city of Cotter, Arkansas.

City Attorney The City Attorney of Cotter, Arkansas.

City Council The City Council of Cotter, Arkansas

Clear sight triangle See sketch for street intersection sight triangle within the Cotter Comprehensive Development Plan. The clear sight triangle indicates the minimum requirements as measured along the right-of-way lines. The city may require additional triangle area for clear sight and safety as determined by a traffic study on special conditions.

Construction sign Signs used in conjunction with construction projects for publicizing future occupants, contractors, developers, architects, engineers and other individuals or organizations participating in the project, to be removed upon completion of the project and/or final inspection by the Enforcement Officer.

Directional sign Signs which provide only basic guidance to the public, such as entrance and exist signs at driveways or on buildings, are considered non-commercial directional signs. Commercial directional signs are usually off-site signs pointing the way to a nearby business or professional location or activity. No commercial or sales message beyond identification of the business, profession, or activity shall be allowed. Flashing or intermittent illumination is prohibited. Location and size of such signs shall be reviewed and approved by the Enforcement Officer.

Display surface area The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, "display surface area" shall not include the structural supports for free-standing signs; provided further, that only one face of a double-faced signs as defined shall be considered in determining the display surface area. See Sign area.

District or zoning district A section or sections of the incorporated area of the city for which the then-effected zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. See respective section of the Zoning Ordinance for details of use zones.

Erect To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

Existing signs Permanent signs erected before adoption of this ordinance.

Flashing sign An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Floodlighting For the purposes of this ordinance, floodlighting illumination shall mean illumination from lamps, lenses or devices designed to spread light uniformly over the entire area of the sign, except that no light shall fall beyond the sign.

Free-standing sign A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly on or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Frontage The length of the sides along the street or any other principal public thoroughfare, but not including such length along and alley, water course, railroad or street or thoroughfare with no permitted access. Frontage may refer to lineal footage of a lot or of a building or other structure.

Grandfather clause Signs in place prior to the enactment of this ordinance.

Ground level Immediate surrounding grade by vertical measurement.

Hanging sign see Suspended sign.

Identification and informational signs Signs bearing no advertising or commercial message and which identify or inform the public of places of interest, public parks, buildings etc. and indicate direction thereto.

Illegal signs A sign which contravenes this ordinance.

Illumination, direct Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illumination, indirect Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Illuminated sign Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Joint identification sign A sign which serves as common or collective identification for a group of persons or business operating on the same lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or business included, but carry no other advertising matter.

Lease For purposes of this ordinance, agreement by which a property owner conveys, usually for a specific rent, to other persons, permission to erect and maintain a sign, bulletin board or outdoor advertising structure upon his property.

Lot A parcel of land defined by metes and bounds or as a platted lot of record.

Lot line The line or lines bounding a lot as described herein.

Mall Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof Any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of this ordinance, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Marquee A marquee shall mean and include any roofed structure attached to and supported by a building and projecting over public property. Can also be described as a canopy.

Mayor Mayor of the city of Cotter, Arkansas.

Mobile sign Any sign that is movable, portable, capable of or intended to be movable or portable, or originally intended to be movable or portable. A sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or movable structure, either transportable, towable, or self-propelled. Includes signs non-illuminated, illuminated or capable of being illuminated. Does not apply to any sign or lettering directly affixed to or printed on the surface of a self-propelled vehicle frequently used in the ordinary course of business by owners or employees of such business not to temporary signs as defined by this ordinance.

See **Portable swinger**, **A Frame** or **Sandwich sign**, and **Portable temporary attraction signboard**.

Nameplate An on-site sign serving to identify the residents and/or address of a dwelling, building or location. Such signs shall not exceed a total area of one (1) square foot.

Non-illuminated sign Any sign which uses no artificial light source, internal, external or detached to call attention to or provide assistance in reading the message thereon.

Off-site sign A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Such signs may also display a non-commercial message. The term "off-site sign" shall include an outdoor advertising structure (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message.

On-site sign A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided an on-site sign may also display a non-commercial message.

Open house sign see Temporary sign

Outdoor advertising structure A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, device or painting may be placed to advertise products, goods, services or business establishments other than those located, conducted, manufactured or sold upon the premises on which the structure is erected; provided an outdoor advertising structure may also display a non-commercial message. For the purposes of this ordinance, outdoor advertising structure shall be considered the same as a billboard.

Person Person shall mean and include any person, firm, partnership, association, corporation, company, organization or entity of any kind.

Planning Commission The Planning Commission of Cotter, Arkansas.

Portable sign See a **frame sign** and **Mobile** or **Portable sign**.

Portable swinger sign and A Frame or Sandwich sign An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided. See **Mobile sign**.

Portable temporary attraction sign board A single or double surface sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto. See **Mobile sign**.

Projecting sign Any sign that shall be affixed at an angle perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Roof sign Any sign erected, constructed or maintained on the roof structure of any building.

Setback The distance which a sign, sign support or sign framework shall be removed from a curb line, established curb line, right-of-way or private property line.

Shopping center Two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Sign The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out-of-doors in view of the general public; in addition, any of the above which is not placed out-of-doors, but which is illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. For the purposes of this ordinance includes bulletin boards and outdoor advertising structures.

Sign structure Any structure support or framework which supports, has supported, or is capable of supporting a sign.

Temporary sign Any sign constructed of paper, cloth canvas or similar lightweight expendable materials with or without frames, and either nailed, clamped or held to a pole or other structure or object and intended to be displayed for a short period of time only. Includes garage sale, open house and real estate signs

Wall sign Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said sign shall not project above the top of the wall or beyond the end of the building. For the purposes of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

Wind sign Any banner, flag, pennant, propeller or similar device which is designed to flutter, rotate or display movement under influence of the wind for the purpose of displaying a message or attracting attention. This definition shall not include official flags, pennants, or banners of nations; federal, state or local governments; their political subdivisions; schools, religious institutions or fraternal organizations.

Zoning Ordinance The Zoning Ordinance of the city of Cotter, Arkansas.
(Ord. No. 97-6, Sec. 1.)

14.16.02 Sign permits

- A. Generally It shall be unlawful for any person to erect, repair, alter or relocate within the city of Cotter any sign or other advertising structure as defined in this ordinance, except as exempted under Section D or Section E without first obtaining a sign permit from the Enforcement Officer and payment of the fee as required by this section. All illuminated signs shall, in addition, be subject to the provisions of the city Electrical Code and its fees. All signs shall be subject to the provisions of the National Electric Safety Code, the regulations of the State Highway and Transportation Department where applicable, and the provisions of this ordinance.
- B. Application for initial sign permit Application for initial sign permits shall contain the following information:
 - 1. Name, address and telephone number of the applicant.
 - 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

3. Position of the sign or other advertising structure in relation to buildings or structures that are within 25 feet of where the sign is to be placed on the property.
 4. A print to scale drawing of the sign with specifications and method of construction and attachment to the building or in the ground.
 5. Such other information as the Enforcement Officer shall require to show full compliance with the ordinance.
- C. Sign permit fees Every applicant, before being granted a permit hereunder shall pay to the City Enforcement Officer's office a ____ Dollars (\$__) permit fee for each job or each advertising structure regulated by this ordinance including all new signs and the moving of existing signs to a new location.
- D. Issuance of sign permit It shall be the duty of the Enforcement Officer upon the filing of an application, to examine such plans and specifications and the other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if the proposed structure is in compliance with all the requirements of this ordinance and all other laws and ordinances of the city of Cotter, he shall then issue the permit. If the work authorized under the permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- E. Sign permit revocable All right and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere licenses revocable at any time by the City Council and all such permits shall contain this provision.
(Ord. No. 97-6, Sec. 2.)

14.16.03 Sign maintenance

- A. Premises maintenance All free-standing signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- B. Unsafe and unlawful signs If the Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the sign owner and/or lessee, and /or property owner thereof. If the sign owner or lessee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standard set forth within thirty (30) days after written notification, the sign or other advertising structure may be removed or altered to comply by the Enforcement Officer. Failure to

comply with the Notice shall be considered a violation and, as provided for in 14.16.16 of this ordinance, any expense incidental to removal or alteration shall be charged to the sign owner and/or lessee and/or property owner. The Enforcement Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to be determined whether there was probable cause to remove the sign. Said administrative hearing shall be governed by, and held in accordance with the procedure prescribed by 14.16.14 of this ordinance. (Ord. No. 97-6, Sec. 3.)

14.16.04 Existing signs This ordinance shall apply to permanent existing signs which constitute a safety hazard, or are in an abandoned or dilapidated condition shall apply to any sign erected after this ordinance is adopted. (Ord. No. 97-6, Sec. 4.)

14.16.05 Exemptions Exempt signs shall comply with the applicable safety provisions and 14.16.06 of the ordinance, except that the exempt signs mentioned herein shall not be required to comply with 14.16.06 (G) of the ordinance. No sign permit shall be required for the erection of the following signs:

- A. Business/Professional Directories erected flat on the walls of a building.
- B. Building construction signs.
- C. Real estate signs. On a lot in any district, there may be erected one unanimated real estate sign.
- D. Reserved for special use signs.
- E. Official notices.
- F. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- G. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council.
- H. Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purpose.

- I. Election campaign signs. Political signs are permitted to be placed on private property in any district, subject to the following conditions:
 - 1. In districts where signs are not otherwise permitted, a political sign may be erected but said sign shall be removed within seventy-two (72) hours following the final election to which it applies; the owner of the property on which said sign is placed shall be responsible for its removal.
 - 2. In districts where signs are otherwise permitted, political signs shall meet those requirements.
- J. Time and temperature displays without advertising matter providing all clearances prescribed herein for signs similarly located are maintained.
- K. Banners shall be exempt when used in conjunction with public and private events as follows:
 - 1. Election campaigns Election campaign banners when said banners are not placed more than ten (10) days prior to and removed within seventy-two (72) hours following the election to which the banner applies.
 - 2. Public events Public event banners shall be removed within seventy-two (72) hours following the event to which the banner applies.
 - 3. Private sales events Banners placed on private property for advertising a special event provided said banners are removed within seventy-two (72) hours after the event to which they apply.
- L. All signs located within a building that are not visible to the public outside said building.
- M. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein.
- N. Directional, identification and informational signs; provided, such signs shall be limited to wall and free-standing signs with a maximum of four (4) square feet of display surface area.
- O. Collection boxes for charitable or non-profit organizations containing no commercial advertising.
- P. Subdivision identification signs.
- Q. A free-standing bulletin board.

- R. Fuel price information signs: One fuel price information sign shall be permitted to each end of fuel pump island. Nothing herein shall be construed to prohibit the advertising of fuel prices or any other sign meeting the requirements of this ordinance.
- S. The integral and/or self-contained message on newspaper vending machine box, other vending devices, telephone, mailboxes, trash containers and boxes or depositories of charitable and/or non-profit organizations provided all such devices, boxes and depositories conform to all other regulations of this ordinance and the Zoning Ordinance.
- T. Decorative devices or emblems without commercial message, such as may be displayed on a persons mailbox. (Ord. No. 97-6, Sec. 5.)

14.16.06 General regulations

A. Removal of certain signs

- 1. In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any information on signs within the corporate limits or the city, identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner, to comply with this section, the Enforcement Officer shall issue a written notice to the sign owner and any lessee and to the property owner, which notice shall state that such sign information shall be removed with thirty (30) days. If the sign owner and/or lessee, and/or property owner, fails to comply with such written notice to remove, the Enforcement Officer is hereby authorized to cause removal of such sign information. Failure to comply with said notice shall be considered to be in violation and, as provided for in 14.16.18 of this ordinance, any expense incidental to the removal shall be charged to the sign owner and/or lessee and/or property owner.
- 2. All temporary signs must be removed within thirty (30) days after the event for which it was utilized is accomplished.

B. Signs not to constitute traffic hazard No sign or other advertising structure as regulated by this ordinance shall be erected or continue to be displayed in such a manner as to obstruct free and clear vision.

C. Placing signs on public and private property Placing signs on public property – No signs other than signs placed by agencies of government shall be erected on

any public property; provided, directional signs may be erected upon city street sign posts, or upon traffic sign posts under the following conditions:

1. The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, or to scenic or historic site;
 2. The signs are fabricated, erected and maintained by the City Street Department;
 3. The entire cost of the signs is borne by the entity requesting the signs;
 4. The signs conform to the manual on uniform traffic-control devices.
- D. Sign illumination Direct sign illumination is permitted but cannot be distracting or blinding.
- E. Spot light and beacons prohibited It shall be unlawful to operate or erect any attraction device or sign which contains a beacon. Spotlights may be used only as provided in 14.16.06 (D).
- F. Fluctuating illumination prohibited Illumination of attraction devices or signs located in the city, that fluctuates in light intensity shall be prohibited.
- G. Portable signs Portable Swinger, "A" Frame, Sandwich and Portable Temporary Attraction Sign Boards are prohibited except as follows:
1. These signs can be utilized by a new business for a total of fifteen (15) days. A permit for the portable sign must be obtained from the Enforcement Officer.
 2. Also, portable signs are permitted for a period of thirty (30) days immediately following a natural disaster which has destroyed or substantially damaged a sign. A permit for the portable sign must be obtained from the Enforcement Officer.
 3. Where portable temporary attraction signs are used under the above exceptions, flashing illumination is prohibited.
- H. Revolving, rotating or moving signs are prohibited.
(Ord. No. 97-6, Sec. 6.)

14.16.07 Roof signs

- A. Roof signs are prohibited in the R-1 zoning districts.
- B. Roof signs are permitted in commercial, industrial – zoning districts.
(Ord. No. 97-6, Sec. 7.)

14.16.08 Freestanding signs

- A. Freestanding signs are prohibited in R-1 zoning districts.
- B. Freestanding signs are permitted in commercial, industrial and residential zoning structure except R-1, subject to the following:
 - 1. Shall be set back a minimum of fifteen (15) feet from the edge of the street pavement or curb but shall not be set within the street right-of-way.
 - 2. Shall be set back a minimum of twenty-five (25) feet from the boundary of any residential zoning district.
 - 3. Shall be prohibited in any area where the wall of a building is eight (8) feet or less from the curb line or street right-of-way.
 - 4. Designs may be illuminated by direct or indirect illumination.
 - 5. May be erected a minimum of one foot from adjoining property.
(Ord. No. 97-6, Sec. 8.)
 - 6. Free-standing signs shall not contain more than seventy-five (75) square feet of total surface area. (Ord. No. 2007-8, Sec. 1.)

14.16.09 Off-site signs

- A. Spacing of off-site signs: No two (2) signs shall be spaced less than two hundred (200) feet apart; provided, the minimum spacing herein shall not apply to signs separated by buildings or other obstructions in such a manner that only one sign is visible from the street or highway at any one time.
- B. Off-site signs shall not contain more than seventy-five (75) square feet of total surface area.
- C. Outdoor Advertising Structures shall be prohibited. (Ord. No. 2007-8, Sec. 2.)
- D. Off-site signs on Hwy 62/412 shall not contain more than six hundred (600) square feet of total surface area per side. (Ord. No. 2000-3, Sec. 1.)

14.16.10 Projecting signs

- A. It shall be unlawful to erect any projecting sign that projects from the wall of a building upon which it is erected a distance of more than two-thirds of the width of the setback except in no instance can the sign be within less than two (2) feet of the street right-of-way.
- B. Projecting signs over sidewalks or pedestrian walkways shall have a minimum of seven (7) feet of clearance from walk surface to the sign bottom.
- C. Projecting signs shall be prohibited in R-1 zoning districts.
(Ord. No. 97-6, Sec. 10.)

14.16.11 Wall signs

- A. Wall signs shall be permitted in commercial, industrial and residential zoning districts except R-1.
- B. Wall signs shall be prohibited in R-1 zoning districts.
- C. Wall signs shall not contain more than 75 square feet of total surface area.
(Ord. No. 97-6, Sec. 11.)

14.16.12 Area identification signs

- A. Area identification signs are permitted in all zoning districts.
- B. The size and location of the area identification sign must be approved by the Enforcement Officer, who will approve such structure upon the criteria of traffic safety sight lines. (Ord. No. 97-6, Sec. 12.)

14.16.13 Business/Professional Directory A Business/Professional Directories may be a wall sign, freestanding sign or a projecting sign. When erected as a wall sign, only one (1) shall be allowed for each main entrance to a building and total size will not exceed one (1) square foot per listing. When erected as a freestanding or other type sign, it shall conform to all applicable provisions of this ordinance and in a shopping center or other common use parking lot area, shall be limited to one (1) Director for each major entrance to the parking lot. (Ord. No. 97-6, Sec. 13.)

14.16.14 Board of Sign Appeals The Planning Commission shall constitute a Board of Sign Appeals. The word "board" when used in this section shall be construed to mean the Board of Sign Appeals.

- A. Interest in sign Any members of the Board who shall have direct or indirect interest in any sign or in any decision relating to such sign which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision or proceeding of the Board in connection therewith.
- B. Appeals:
1. A person may appeal to the Board any order, requirement, decision or interpretation made in the enforcement of this ordinance. When an appeal is filed with the Board, the Enforcement Officer will take no further action on the matter appealed until the appeal has been heard and a decision has been made.
 2. The Board shall fix a time for the hearing of the appeal, give due notice to the parties in the interest and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
- C. Jurisdiction: The Board shall have the following powers and it shall be its duty:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of this ordinance.
 2. To hear requests for variances from the literal provisions of this ordinance for the erection of a new sign in instances where strict enforcement of this ordinance would cause practical difficulties due to circumstances unique to the individual sign under consideration, and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of this ordinance.
 - a. The Board shall not permit as a variance any sign the erection of which or the continuance of which is prohibited by 14.16.06. The Board may grant a variance from the provisions of 14.16.04 (A) of this ordinance where strict enforcement of said section would be unreasonable.
 - b. The Board may impose reasonable conditions in the granting of a variance to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance. (Ord. No. 97-6, Sec. 14.)

14.16.15 Separability Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. No. 97-6, Sec. 15.)

14.16.16 Penalties

- A. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00). Each day such violation continues shall be considered a separate offense. Also, upon conviction for a violation, a person will be required to make restitution to the city for any expense incurred by the city in the removal or alteration of unsafe and/or unlawful signs.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties here provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 97-6, Sec. 16.)

CHAPTER 14.20

ANNEXING AND RE-ZONING PROPERTY

Sections:

- 14.20.01 Annexing
- 14.20.02 Re-zoning property

14.20.01 Annexing

- Ord. No. 73-167 Part of E ½ of Sec. 30, Twp 19 N, Range 14 West
- Ord. No. 76-3 Part of White River Railway, Sec. 31, Twp 19 N, Range 14 West
- Ord. No. 76-4 Part of SE ½ of Sec. 32, Twp 19 N, Range 14 West
- Ord. No. 136 Part of SE ¼ of Sec. 30, Twp 19 N, Range 14 West
- Ord. No. 86-1 Territory along stream for five (5) miles and two (2) miles laterally
- Ord. No. 99-06 Part of NE ¼ of Sec. 30, left bank of White River
- Ord. No. 2003-2 Part of NE ¼ of Sec. 30, Twp 19 N, Range 14 West

14.20.02 Re-zoning property

Ord. No. 79-10	From R-1 to C-2	Part of SW ¼ of Sec. 29, Twp 19 N, Range 14 West W ½ of Sec. 29, Twp 19 N, Range 14 West
Ord. No. 81-3	From R-1 to R-2	Part of W ½ of Sec. 29, Twp 19 N, Range 14 West
Ord. No. 86-1	From R-1 to C-2	Either side of Hwy 62 for 300 ft.
Ord. No. 86-4	From R-2 to C-2	Side of U.S. Hwy No. 62
Ord. No. 90-1	From R-2 to C-2	Blocks 7, 8 & 9 in Burke's Addition
Ord. No. 91-5	From R-1 to C-2	Lots 1 – 20
Ord. No. 93-6	From R-1 to R-2	Lots 1 – 24, Bayless Heights Subdivision
Ord. No. 94-9	From C-1 to CR-2	Lots 1113, 1114 & 1115
Ord. No. 95-2	From R-1 to R-2	Lots 1139, 1140 & 1141
Ord. No. 98-12	From R-2 to C-2	Part of Block 10, Burkes First Addition
Ord. No. 2000-4	From R-1 to C-2	Lots 7, 8, 9 & 10, Grandview Heights
Ord. No. 2000-6	From R-1 to C-2	Lot 6 & 7 in Grandview Heights
Ord. No. 2001-6	From R-1 to C-2	Part of Lot 4, Grandview Heights
Ord. No. 2002-6	From R-1 to R-2	Part of Lot 23, M.C. Burke's Second Addition
Ord. No. 2003-6	From R-2 to R-1	Lots 18, 19, 20, and 21
Ord. No. 2011-10	From I-1 to C-1	Part of NE ¼ of Sec. 1, Twp 18 N, Range 15 West
Ord. No. 2011-11	From R-1 to C-1	Part of NE ¼ of Sec. 1, Twp 18 N, Range 15 West
Ord. No. 2015-01	From R-1 to AG	Land located in Cotter Heights East of Hazel St.
Ord. No. 2020-01	From C-2 to R-2	277 Mulberry Lane; Parcel No. 004-00524-001