

ZONING

Chapter 18.82

ANNEXED PROPERTY

Sections:

- 18.82.010 Chapter purpose.
- 18.82.020 Comprehensive plan.
- 18.82.030 Uses pending zoning plan adoption.

18.82.010 Chapter purpose

In order to establish the zoning classification of property annexed to the City, the provisions of this chapter apply to all areas hereafter annexed to the City.

(Ord. 362 Sec. 1(part), 1975)

18.82.020 Comprehensive plan

The Planning Commission shall make studies and prepare a comprehensive zoning plan for all annexed areas, and after development of a comprehensive plan, a public hearing shall be conducted and the property shall be zoned by the Planning Commission and City council as soon as shall be practical. If the Planning Commission does not prepare or have prepared such a comprehensive zoning plan within ninety days from the effective date of annexation, the owner or owners of annexed land may have prepared a zoning plan, and it shall be deemed to be the proper and correct zoning of the property upon its being filed with the Commission.

(Ord. 362 Sec. 1(part), 1975)

18.82.030 Uses pending zoning plan adoption

Until the adoption of a zoning plan for annexed property, such property shall be classified according to the use in effect on the effective date of annexation, and such zoning classification shall remain in effect until such time as a different zoning classification is adopted for such property. Pending the adoption of a comprehensive zoning plan for annexed areas, any property owner may make application for a different type of zoning use, and the Commission may proceed to hear such application prior to the development and hearing on a comprehensive plan for the entire annexed area. (Ord. 362 Sec. 1(part), 1975)

Chapter 18.84

EXCEPTIONS

Sections:

- 18.84.010 Lots of record.
- 18.84.020 Adjoining and vacant lot of record.
- 18.84.030 Front yard setbacks.
- 18.84.040 Group developments.
- 18.84.050 Exceptions to height limits.

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EXCEPTIONS

- 18.84.060 Area exceptions.
- 18.84.070 Service stations.
- 18.84.080 Churches, schools and fire stations.
- 18.84.081 Mobile home on school ground.

18.84.010 Lots of record

Except as herein provided, in any residential district where the owner of a lot, at the time of the adoption of the ordinance codified herein, or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and/or frontage requirements of this title, such lot may be used as a building site for a single-family residence provided that minimum yard, setback and floor area requirements for the district in which said lot is located are maintained.

(Ord. 213 Sec. 2101, 1969)

18.84.020 Adjoining and vacant lots of record

If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of the ordinance codified herein and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this title.

(Ord. 213 Sec. 2102, 1969)

18.84.030 Front yard setbacks

The setback requirements of this title for dwellings shall not apply to any lot where the average existing setback on lots located wholly or in part within one hundred feet on each side of said lot within the same block and zoning district and fronting on the same side of the street as such lot is less than the minimum setback required. In such cases, the setback on such lot may be less than required setback but not less than the average of the existing setbacks on the aforementioned lots or within fifteen feet of the street right-of-way, whichever is greater.

(Ord. 213 Sec. 2103, 1969)

18.84.040 Group developments

In the case of group development of two or more dwellings to be constructed on a plat of ground of at least five acres in area not subdivided into customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this title to the individual dwellings in such group developments, upon application to the City Council, the application of the terms of this title may be varied in a manner that will be in harmony with the character of the area and will insure substantially the same

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character of occupancy and an average intensity of land use no higher and a standard of open space no lower than permitted by this title in the district in which the proposed group development is to be located. (Ord. 213 Sec. 2104, 1969)

18.84.050 Exceptions to height limits

- A. The height limitations of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flag poles, masts and aerials, penthouses, scenery lofts, sugar refineries, standpipes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City and Pulaski County.
- B. In the thirty-five and forty-five foot height districts, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five feet when the front, side and rear yards are increased an additional foot for each foot such buildings exceed thirty-five and forty-five feet respectively in height.
- C. One-family dwellings in the thirty-five foot height districts may be increased in height by not more than ten feet when two side yards of not less than twenty feet each are provided. Such dwellings, however, shall not exceed three stories in height.

(Ord. 213 Sec. 2105, 1969)

18.84.060 Area exceptions

- A. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one building occupying one lot:
 - Semi-detached two-family and four-family dwellings and row-houses not more than two rooms deep.
- B. The front and side yard requirements for dwellings shall be waived where dwellings are erected above stores.
- C. In the case of a court apartment, side yards may be used as rear yards provided that:
 - 1. The required side yard shall be increased by one foot for each entrance or exit opening into or served by such yard;
 - 2. The width of the place or court shall not be less than three times the width of the side yard as required in this provision, provided that open, unenclosed porches may project into the required place or court not more than twenty percent of the width of such place or court;

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3. Where a roadway is provided in the place or court the width allowed for such roadway shall be in addition to the required above;
 4. All other requirements, including front, side and rear yards shall be complied with in accordance with the district in which such court apartments are locate.
- D. In computing the depth of a rear yard for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.
- E. An accessory building may occupy not more than six hundred and fifty square feet. An accessory building may be permitted without side or rear yard if located more than one hundred feet from the front or street line. An attached or detached garage may come to within one-half of the required side yard in the zone in which it is erected, provided the front of the garage is seventy-five feet from the front lot line. A Porte Cocere or carport may be built to within one-half of the required side yard, in the district in which it is built.
- F. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided however, that role of the above projections shall extend into a court more than six inches nor into a minimum side yard more than twenty-four inches.
- G. No cornices shall project over the street line more than five percent of the width of such street, and shall in no case project more than four feet.
- H. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a yard not more than five feet or into a court not more than three and one-half feet and the ordinary projections of chimneys and flues may be permitted by the building inspector where same are so placed as not to obstruct the light and ventilation.

(Ord. 213 Sec. 2106, 1969)

18.84.070 Service stations

Service stations or gasoline filling stations shall be so constructed that for driveways parallel to the street boundary line the centerline of the pump shall be at least fifteen feet from the parallel street property line, and if on a corner lot, the end pump shall be at least fifteen feet from the other street property line; for driveways built diagonally across the corner lot, the centerline of pumps shall be at least twenty-five feet from the street corner of the lot and the end pumps shall be at least fifteen feet from the street property lines.

(Ord. 213 Sec. 2107, 1969)

ZONING**18.84.080 Churches, schools and fire stations**

Churches, schools and fire stations shall be permitted in residential districts upon permit granted by the City Council after having advertised for fifteen days and setting a date to hear objections; in the event that twenty percent or more people within a radius of one hundred and sixty feet, excepting alleys and streets, object to proposed permit, then such permit shall not be granted except by favorable vote of two-thirds of all members of City Council.

(Ord. 213 Sec. 2108, 1969)

18.84.081 Mobile Home on School Ground

The County Special School District shall be allowed to place mobile homes on public school grounds located within the City limits, for security purposes. The school board of the County Special School District shall be required to notify the City Inspector of their intentions before a mobile home shall be located on any school property. A limit of one mobile home per school location is allowed.

(Ord. 356 Sec. 1, 1975)

Chapter 18.86**ACCESSORY BUILDINGS****Sections:**

18.86.010 Definition of an Accessory Building.

18.86.020 Square Foot Limitations.

18.86.030 Height Limitations.

18.86.010 Definition of an Accessory Building

Accessory Building -- Any subordinate building of which the use is clearly incidental to that of the principal structure. (Ord. 854, 1967)

18.86.020 Square Foot Limitations

An accessory building may occupy no more than thirty percent (30%) of the existing rear yard not to exceed six hundred fifty (650) square feet and shall not be built closer than five (5) feet to the owner's property line or in compliance with a subdivision's Bill of Assurance, whichever is greater. (Ord. 854, 1987)

18.86.030 Height Limitations

An accessory building in a residential area shall not exceed the height of the principal structure or twenty-five (25) feet, ridge height, whichever is less. (Ord. 854, 1987)

