

ORDINANCE NO. 2015-06

AN ORDINANCE TO AMEND ORDINANCE NO. 7.1 TO PROVIDE ZONING REGULATIONS FOR THE CITY OF FARMINGTON

WHEREAS, the City Council of the City of Farmington, pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated, as amended, adopted zoning regulations to provide for orderly growth and development of Farmington; for protection of the character and stability of residential and commercial properties, and for other purposes; and

WHEREAS, the Farmington Planning Commission has worked diligently to amend the existing ordinance to modify permitted and conditional uses in the various zones, modify the ordinance pertaining to conditional uses and require paving for all off-street parking; and

WHEREAS, a public hearing was held on July 27, 2015 after public meetings and work sessions, at which time the Farmington Planning Commission adopted the new zoning regulations for the city council's consideration.

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


Section 1: That the zoning regulations should be and are hereby adopted in its entirety as presented. The regulations consist of the text, which is attached hereto and made a part herein, as well as the zoning district boundary map, which is on file in the Office of the Farmington City Clerk.

Section 2: Repealing Clause. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

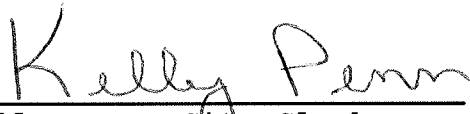
Section 3: Severability Clause. In the event any part of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED this 14th day of September, 2015.

APPROVED:

By: 
Ernie Penn, Mayor

ATTEST:

By: 
Kelly Penn, City Clerk

ZONING ORDINANCE

Sections:

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14.04.01 Purpose and authority

A. Title This article shall constitute the zoning regulations of the city of Farmington. It may be cited as the “zoning ordinance” or the “zoning code,” and consists of the text, which follows, as well the zoning district boundary map, entitled “Official Zoning Map of the city of Farmington, Arkansas,” which is on file in the office of the City Clerk.

B. Authority These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 annotated, as amended.

C. Purpose The zoning regulations set forth herein area enacted to aid in the implementation of the land use portion of the *City of Farmington Comprehensive Land Use Plan*, and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Farmington. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial and industrial properties; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.

D. Jurisdiction The provisions of these regulations shall apply to all land, buildings and structures within the corporate limits of Farmington as they are now or may hereafter exist.

E. Nature and application

1. For the purposes stated above, the city has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, location, and size of buildings; and the uses of land, buildings, and structures. In their interpretation and application,

the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the city of Farmington shall not be responsible for enforcing deed restrictions or restrictive covenants.

2. No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of these regulations.

3. No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located.

4. Dedication to public use of land shall not be a condition for any zoning or conditional use approval.

5. All structures constructed or occupied in conformance with these regulations shall also conform to all other codes and regulations of the city.

6. The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected. (Ord. No. 2011-2, Sec. 1.)

14.04.02 Rules of construction and definitions

A. Rules of construction For the purpose of these regulations, the following rules of construction shall apply:

1. Words, phrases, and terms defined herein shall be given the defined meaning.
2. Words, phrases, and terms not defined herein but in the Building Code of the city shall be construed as defined in such code.
3. Words, phrases, and terms neither defined herein nor in the Building Code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
4. In case of any difference of meaning or implication between the text and any heading, table or figure, the text shall control.
5. The particular shall control the general.
6. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and not mandatory.
7. Words used in the present tense include the future tense, and words used in the future tense include the present tense.

8. Words used in the singular include the plural, and words used in the plural include the singular.
9. The words “building” and “structure” are synonymous, and include any part thereof.
10. The word “person” includes individuals, firms, corporations, associations and any other similar entities.
11. The words “lot,” “parcel,” “site,” “tract,” or other unit of ownership are synonymous and may be used interchangeably.
12. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
13. All public officials, bodies, and agencies to which reference is made are those of the city of Farmington, unless otherwise indicated.
14. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise expressly stated.
15. Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
16. Unless the context clearly suggests the contrary, the conjunction “and” indicates that all connected items, conditions, provisions or events shall apply, and the conjunction “or” indicates that one or more of the connected items, conditions, provision or events shall apply.

B. Definitions of terms and uses This section contains definitions of general terms used through the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use “retail/service,” for example, does not include the more specific use “convenience store.”

Accessory buildings and uses A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings. Accessory buildings and uses are located on the same lot and in the same zoning district as the principal use.

Adult entertainment Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.

Agriculture, crop The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

Agriculture, animal The use of any land for the purpose of raising livestock.

Agriculture, product sales The retail sale of agricultural products produced on the same site.

Area The amount of land surface in a lot or parcel of land.

Basic industry The first operation or operations that transform a material from its raw state to a form suitable for fabrication.

Building Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

Building height The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line.

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

Cemetery Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium

Certificate of occupancy Permission to occupy a building and/or property.

Church A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained and controlled by a religious body organized to sustain public worship.

Club or lodge An association of persons for the promotion of some non-profit common purpose, such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

Construction sales and service An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

Convenience store An establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.

Country club A chartered non-profit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis,

swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.

Day care, general (day care center) A commercial establishment where adult day care services are provided, or where child day care services are provided for more than ten (10) children; with both such services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

Day care, limited (child care family home) A home where day care services are provided to a maximum of ten (10) children, with a maximum of two (2) adults in attendance. It shall be limited to one (1) license per home. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four (4) children shall not be subject to provisions of these regulations.

Detached structure A structure having no party or common wall with another structure except an accessory structure.

Development The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.

Development or site plan A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

District, zoning Any portion or section of the city within which uniform zoning regulations apply.

Drive-in establishments A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

Driveway All driveways shall be a dust free surface.

Dwelling A building or portion thereof which is designed or used as living quarters for one or more families, but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

Dwelling, attached A dwelling that is joined to another dwelling at one (1) or more sides by a wall or walls.

Dwelling, detached A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, multi-family A dwelling designed for or occupied by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, single-family A dwelling designed for or occupied by one family only, and being on a permanent foundation.

Dwelling, two-family (duplex) A dwelling designed for or occupied by not more than two (2) families living independently of each other.

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

Family One or more persons related by blood, marriage or adoption, or a group of not more than three (3) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family.

Farm A parcel of land used for the growing or raising of agricultural products including related structures thereon.

Floodplain regulations Provisions of the city of Farmington Flood Damage Prevention Code.

Floor area The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) building.

Frontage That edge of a lot bordering a street.

Golf course A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

Government services Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Greenhouse or nursery An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Hobby kennel Any kennel where dogs or cats are kept for organized shows, breeding, for exhibition, or for the enjoyment of the household.

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

residential structures utilized for residential purposes in the R-O, Residential Office and A-1, Agricultural districts may be conducted when the use of the residential structure:

1. Does not require the use of more than fifteen percent (15%) of the living area.
2. Does not require the use of an accessory building or yard space or any activity outside the main structure not normally associated with the residential uses.
3. Does not have a sign in excess of four (4) square feet in area to denote the business, occupation or profession, and such sign must be attached to the structure.
4. Does not involve the outside display of goods and services.
5. The person operating the home occupation must be the person residing in the residential structure.

Hotel or motel An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

Kenel A facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding, or training dogs or cats, or both. A kennel, for the purposes of this chapter, does not include the ownership of dogs that are for the purpose of hunting, exhibiting in field trials or for guarding the homeowner's property. Occasional sale of puppies or kittens, by the owner, lessee or other occupant of such property shall not make the property a kennel for the purposes of this chapter.

Lot Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

Lot, area The total horizontal area of a lot typing within the lot lines.

Lot, corner A lot abutting two (2) of more streets at their intersection.

Lot, double frontage A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

Lot, interior Any lot which is not a corner lot.

Lot lines The boundary lines of a lot.

Lot line, front In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot line, rear The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side Any lot line other than a front or rear lot line as defined herein.

Lot of record A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Washington County Circuit Clerk.

Lot width The width of a lot measured at the front building setback line.

Manufactured housing unit A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building side as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the National Manufactured Housing construction and Safety Standards Act.

Manufactured housing park A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities or step sewer system, public water, electricity, and other utilities available.

Manufacturing, general An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “basic industry.”

Manufacturing, limited An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower, which may include assembly and packaging, as well as incidental, direct sales to consumers of those good produced on-site.

Medical service An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

Mobile home A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Standards Code.

Non-conforming structure A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

Non-conforming use Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

Off –Street Parking Any parking area not on the public right-of-way. Without exception, all off street parking shall be a dust free surface.

Office, general An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise,

except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Owner The property owner of record, according to the office of the Washington County Circuit Clerk.

Parks and recreation A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

Person The term shall mean and include any individual, firm, corporation, association, or partnership.

Pet shop A facility operated commercially and principally for the purpose of selling animals, which in the hands of their immediate owners, will be pets.

Recreation and entertainment, indoor An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

Recreation and entertainment, outdoor An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

Research service An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, drive-in An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general An establishment, other than fast-food restaurant, where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following:

A. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or

B. A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Retail/service The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishing, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs Laundromats, dry cleaners cosmetics, books, antiques, or automotive parts and accessories.

Running at large The term shall mean when an animal is off the premises of the owner and not under the control of the owner or a member of his or her immediate family.

Service station An establishment primarily engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.

Use Any functional, social or technological activity, which is imposed or applied to land or to structures on the land.

Vehicle and equipment sales An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales.

Vehicle repair, general An establishment primarily engaged in painting of, or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle repair, limited An establishment primarily engaged in automotive repair other than paint and body shops.

Veterinary care, general A use providing animal care, veterinary services or boarding.

Veterinary care, limited A use providing small animal (household pet) boarding or veterinary services, with no outside runs.

Warehouse, residential storage (mini-warehouse) An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage

space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

Yard An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.

Yard, front A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

Yard, side A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof. (Ord. No. 2011-2, Sec. 2.)

14.04.03 Non-conforming structures and uses

A. Continuance of use

1. Any lawfully established use of a structure or land, on the effective date of these regulations or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
2. Any legal non-conforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
3. Any structure for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

B. Discontinuance of use

1. Whenever any part of a structure or land occupied by a non-conforming use is changed to, or replaced by, a use conforming to the provisions of these regulations, such premises shall not thereafter be used or occupied by a non-conforming use, even though the structure may have been originally designed and constructed for the prior non-conforming use.

2. Whenever a non-conforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

C. Change of use

1. The non-conforming use of any structure or portion thereof may be occupied by a similar or less intense non-conforming use as may be determined by the zoning official, subject to appeal to the board of the Farmington Planning Commission. No building in which a non-conforming use has been changed to a more restricted use shall again be devoted to a less restricted use.

2. A non-conforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more are than was in use on the effective date of these regulations. If such non-conforming use or portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

D. Repairs and alterations

1. Normal maintenance of a non-conforming structure or of a conforming structure containing a non-conforming use is permitted.

2. Alterations may be made when required by law, or when such alterations will actually result in eliminating the non-conformity.

3. No structure occupied, or partially occupied, by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.

E. Damage and destruction If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed and used for the same purpose as it was before the occurrence, provided such repair or reconstruction is commenced within eighteen (18) months of the date of such damage or destruction and completed. Failure to exercise this option within the time specified, shall be considered a voluntary abandonment and the structure may be rebuilt and used thereafter only for a conforming use, and in compliance with provisions of the district in which it is located.

F. District changes Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created non-conforming uses therein. (Ord. No. 2011-2, Sec. 3.)

14.04.04 Establishment of zoning districts and boundaries

A. Zoning districts established The following zoning districts, which may be referred to by their abbreviations, are hereby established:

- A-1 Agriculture
- RE-1 Residential Estate
- RE-2 Residential Estate
- R-1 Residential Single-Family
- R-2 Residential Single-Family
- MF-1 Multi-Family Residential
- MF-2 Multi-Family Residential
- MHP Mobile Home Park
- R-O Residential Office
- C-1 General Commercial
- C-2 Highway Commercial
- I Industrial

B. Zoning district boundary map The location and boundaries of the zoning districts established herein are defined as shown on a map entitled “Official Zoning Map of the city of Farmington, Arkansas,” which is on file in the office of the City Clerk. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of these regulations. The official zoning map shall be certified as such by signature of the Mayor, attested by the City Clerk.

If in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map within thirty (30) days after the amendment has been approved by the City Council.

No changes of any nature shall be made on the official zoning map or information shown thereon, except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person or person shall be considered a violation of these regulations, and punishable pursuant to misdemeanor provisions contained herein.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map located in the office of the Farmington City Business Manager shall be the final authority as to the current zoning status of property in the city.

C. Interpretation of district boundaries Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the zoning official shall employ the following rules in interpretations thereof. Decisions of the zoning official are subject to appeal to the Farmington Planning Commission.

1. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following city limits shall be construed as following city limits.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as following water ways shall be construed to be following the center of the stream.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as parallel to, or extensions of features mentioned in the preceding rules, shall be so construed.

D. Classification of annexed lands All lands annexed into the city shall initially be assigned an A-1 zoning district classification. Consideration of a more appropriate classification may subsequently be considered.

E. Vacation of public rights-of-ways Whenever any street, alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land. (Ord. No. 2011-2, Sec. 4.)

14.04.05 District regulations

Agriculture and residential districts In addition to the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a holding zone for subsequent higher density consideration, there are nine (9) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage an environment conducive to quality family life; and to provide choice in density, as well as in type of housing. Five (5) of the districts are for single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low and medium density residential environment. Two (2) of the districts are intended for single-family, one (1) for mobile home use, two (2) exist for multi-family residential uses, and one (1) combines both residential and office uses. More specific descriptions, permitted uses and conditional uses in the residential districts are as follows: Uses permitted in the residential districts are set forth in the following descriptions of the districts. Only one (1) single family dwelling unit per lot shall be permitted in A-1, RE-1, RE-2, R-1, R-2, R-0, and MF-1. Since it is not possible to list every potential use that may be considered, the planning commission may from time to time evaluate uses not listed as permitted or conditional uses as to their suitability in a particular zone.

Conditional uses in the residential districts are set forth in the following descriptions of the districts:

A. A-1 Agriculture District The purpose of this district is to provide for a very low density single-family district, while helping to preserve existing agricultural resources, and to guide the

conversion of these lands to higher density residential development by application of the zoning standards set forth in this ordinance.

Permitted uses include single-family dwellings, churches and cemeteries; field and truck crops, orchards, vineyards, greenhouses, nurseries, landscape gardening; pasture land, livestock and kennels; essential governmental facilities and services, utility facilities such as electric regulating stations or pressure control stations and uses customarily accessory to permitted uses.

B. RE-1 Residential Estate District The purpose of this district is to accommodate single-family residential development on low density, large estate type lots to provide and preserve a rural environment.

Permitted uses include single-family dwelling and accessory building, agriculture, private stable and/or corral, cemetery, golf course (excluding miniature), parks and essential government facilities.

Conditional uses include churches and schools, educational facilities; public or private; private parks, public utility and child care family home.

C. RE-2 Residential Estate District The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help preserve rural/estate character and provide for rural amenities with the primary residential nature of the zone.

Permitted uses include single-family dwelling and accessory building; or agriculture, cemetery, golf course (excluding miniature), private stable and/or corral, parks and essential government facilities.

Conditional uses include churches and schools, educational facilities; public or private; private parks, public utility and child care family home.

D. R-1 Single-Family Residential. The purpose of this district is to accommodate single-family residential uses on residential lots of at least 10,000 square feet.

Permitted uses include single-family detached dwellings and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations or pressure control stations and child care family home.

E. R-2 Single-Family Residential This district is intended to principally provide single-family residential use on moderately sized, medium-density lots of at least 7,500 square feet.

Permitted uses include single-family detached dwellings and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations or pressure control stations and uses customarily accessory to appeal uses or child care family home.

F. R-0 Residential-Office District The purpose of the Residential-Office District is to provide areas within the city for the placement of offices or offices and residential in combination; to recognize existing offices and in some cases encourage their expansion and to provide a transition use from residential to commercial. Permitted and conditional uses are listed in the attached chart.

G. MF-1 Single and Multi-Family Residential This district is characterized by single and multi-family residential development on medium-density lots of at least 7,500 sq. ft. As with other residential zones, this district also serves as a buffer in providing for a graduation in intensity from higher to lower density residential development.

Permitted uses include single-family detached dwelling, multi-family units, and essential governmental facilities and services

Conditional uses include churches and schools, and utility facilities such as electric regulating stations or pressure control stations.

H. MF-2 Multi-Family Residential The purpose of this district is to provide for high density residential development for attached living complexes. A minimum of 6,000 sq. ft. of land is required for each dwelling unit. Municipal utility services must be available to be zoned in this classification.

Permitted uses include multi-family units and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations.

I. MHP Mobile Home Park District The purpose of the Mobile Home Park District is to provide areas within the city for the placement of mobile homes; to recognize existing mobile home parks and to allow for their expansions or the establishment of new facilities; and to provide a variety of housing types for all income levels.

Permitted uses shall include mobile homes, laundry facilities (for the mobile home park only), special recreation facilities, essential government facilities and services and uses customarily accessory to permitted uses.

ZONING DISTRICTS

	<u>A-1</u>	<u>RE-1</u>	<u>RE-2</u>
Single-Family	2 acres	2 acres	1 acre
Min. land area per dwelling unit	2 acres	2 acres	1 acre
Front setback	35	50	15
Side setback	15	15	10
Rear setback	30	50	20
Lot frontage	200 feet	200 feet	75 feet
Duplex	NP	NP	NP
Triplex	NP	NP	NP
4 Plex and larger	NP	NP	NP
Churches and schools	3 acres	3 acres	3 acres
Front setback	50	50	30
Side setback	30	30	25
Rear setback	50	50	25
Lot frontage	200 feet	200 feet	100 feet
All other uses	5 acres	5 acres	5 acres
Front setback	30*	30	25
Side setback	30*	30	25
Rear setback	30*	30	25
Lot frontage		200 feet	100 feet

NP – Not Permitted

*all structures involved in agriculture uses shall prove a 50' front side and rear yard.

	<u>R-1</u>	<u>R-2</u>	<u>R-0</u>
Single-Family	10,000 ft.	7,500 ft.	7,500 ft.
Min. land area per dwelling unit	10,000 ft.	7,500 ft.	7,500 ft.
Front setback	25	25	50
Side setback	10	10	20
Rear setback	20	20	30
Lot frontage	75 feet	75 feet	100 feet
Duplex	NP	NP	NP

Triplex	NP	NP	NP
4 Plex and larger	NP	NP	NP
Churches and schools	43,560 ft.	43,560 ft.	NP
Front setback	30	30	NP
Side setback	25	25	
Rear setback	25	25	
Lot frontage	100 feet	100 feet	
All other uses	43,560 ft.	43,560 ft.	43,560 ft.
Front setback	25	25	25
Side setback	25	25	25
Rear setback	25	25	25
Lot frontage	100 ft.	100 feet	100 feet

NP – Not Permitted

	<u>MF-1</u>	<u>MF-2</u>	<u>MHP-1</u>
Single-Family	7,500 ft.	NP	43,560 min.
Min. land area per dwelling unit	7,500 ft.		4,000
Front setback	25		25
Side setback	10		25
Rear setback	20		25
Lot frontage	75 feet		100 feet
Duplex min. land area	12,000	12,000	NP
Min. land area per dwelling unit	6,000	6,000	
Front setback	25	25	
Side setback	10	10	
Rear setback	10	20	
Lot frontage	75 feet	75 feet	
Triplex min. land area	NP	18,000 ft.	NP
Min. land area per dwelling unit		6,000 ft.	
Front setback		30	
Side setback		15	
Rear setback		20	
Lot frontage		100 feet	

4 Plex and larger Min. land area per dwelling unit	NP	24,000 ft. 6,000 ft.	NP
Front setback		30	
Side setback		25	
Rear setback		20	
Lot frontage		100 feet	
Churches and schools	NP	43,560 ft.	NP
Front setback		30	
Side setback		25	
Rear setback		25	
Lot frontage		100 feet	

NP – Not Permitted

MISCELLANEOUS PROVISIONS RESIDENTIAL DISTRICTS

A. Minimum dimension requirements

1. When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
2. Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered non-conforming, the necessity of obtaining a variance from such created non-conformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.
3. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

B. Maximum lot coverage

1. The maximum lot coverage (all buildings) shall not exceed forty percent (40%) in R-1, R-2, MF-1, and MF-2 zones.
2. The maximum lot coverage for the R-0 zone is sixty percent (60%) of the lot or parcel.

C. Height limitations

1. The maximum height for all structures is thirty five (35) feet in R-1, R-2, MF-1, and MF-2 zones. The maximum height for all structures is 20 feet in MHP zones.
2. The maximum height for all structures is forty (40) feet in the R-0 zone.

D. Off-street parking

1. All off street parking shall be a dust free surface. Additional parking requirements for R-1 and R-2 zones are as follows:

2 per each single-family dwelling;
1 per each 10 seats in a church auditorium or sanctuary;
1 per each 1,000 sq. ft. of school floor area; and
1 per each 500 sq. ft. of floor area in all other areas.

2. Parking requirements for MF-1 and MF-2 zones are as follows:

2 per each single-family dwelling in MF-1;
4 per each duplex;
6 per each triplex;
8 per each fourplex;
2 per each dwelling unit in any structure larger than a fourplex;
1 per 100 sq. ft. of school floor area; and
1 per each 500 sq. ft. of floor area in all other uses.

3. Parking requirements of MHP zones are 1 per each mobile home space.

4. All off street parking shall be a dust free surface. Additional parking requirements for R-0 zones are as follows:

2 per each dwelling unit;
2 per each dwelling unit plus 1 per each 300 sq. ft. of office or business space in combination;
and
1 per each 500 sq. ft. of floor area in all other uses.

Commercial Districts Commercial districts are principally intended for the provision of services and the conduct of business and retail trade essential to support residents within the city and the surrounding area. Two (2) such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Farmington.

Uses permitted and conditional uses in the commercial districts are set forth in the chart that is attached as Exhibit "A". Since it is not possible to list every potential use that may be

considered, the planning commission may from time to time evaluate uses not listed as permitted or conditional as to their suitability in a particular zone.

A. C-1 General Commercial The purpose of this zoning district is to provide areas within the city for the conduct of commerce and the provision of personal services; to group retail activities for the convenience of the consumer, to reduce energy costs, to take maximum advantages of public facilities and services and to reduce the impact on surrounding property; and to recognize and encourage the continuance of certain existing commercial groupings.

Minimum area requirements

Min land sq. ft.	Front yard	Side yard	Rear yard
N/A	50	25	20

Lot coverage No more than sixty percent (60%) of the lot or parcel may be covered by structures.

Height requirements The maximum height shall be 40 feet.

Off-street parking requirements

- 1 per each 200 sq. ft. of floor area for eating places and retail establishments
 - 1 per each room for hotels and motels;
 - 1 per each 500 sq. ft. of floor area for all other uses.
- All off street parking shall be a dust free surface.

B. C-2 Highway Commercial The purpose of the Highway Commercial District is to provide areas adjacent to highways within the city for the conduct of commerce and the provision of personal services; to group retail activities for the convenience of the consumer; to reduce energy costs; to take maximum advantage of public facilities and services; and to reduce the impact on surrounding property; and to recognize and encourage the continuance of certain existing commercial groupings.

Uses permitted and conditional uses in the commercial districts are set forth in the attached chart.

Minimum area requirements:

Min. land sq. ft.	Min. land area sq. ft./D.U.	Front Yard	Side Yard	Rear Yard	Lot Frontage	Corner Lot
N/A	N/A	50*	25	20	50	35

*The specific properties most affected by the Highway 62 project and described in Exhibit "A." which is attached hereto and incorporated by reference will be allowed a Front Yard Setback of 35 feet.

**Street side setbacks and side setbacks adjacent or residential zones will be 15 feet.

The replacement of buildings and structures in the C-2 Highway Commercial Zone that are substantially destroyed by fire, acts of God or demolished by the property owners shall meet all setback requirements established herein. For purposes of this section, buildings and structures are substantially destroyed if fifty percent (50%) of the building or structure would require reconstruction, as determined by the Farmington Building Inspector.

Lot coverage No more than 60% of the lot or parcel may be covered by structures.

Height requirements The maximum height shall be 40 feet.

Off-street parking requirements

- 1 per each room plus 1 per each employee for hotel and motels;
 - 1 per 200 sq. feet of floor area for offices;
 - 1 per 300 sq. ft. of floor area for commercial;
 - 1 per 4 seating capacity for restaurants;
 - 1 per 400 sq. ft. of floor area for services uses;
 - 1 per each 500 sq. ft. of floor area for all other uses.
- All off street parking shall be a dust free surface.

C. I Light Industrial District The Light Industrial zoning district is intended to provide for the development of light to medium intensity industrial uses and their related facilities. Certain commercial and other complementary uses may be permitted. Appropriate standards for the district are designed to assure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a necessity to this district.

Uses permitted and conditional uses in the industrial district are set forth in the attached chart.

Minimum area requirements:

Min. land sq. ft.	Front Yard	Side Yard	Rear Yard	Lot Frontage
N/A (Ord. No. 2011-2, Sec. 5.)	50	25	25	50

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
Business & Professional Offices/Services	Advertising Agency	✓	✓	✓	✓	NP
	Financial Services	✓	✓	✓	✓	NP
	Funeral Home	NP	CU	CU	✓	NP
	Travel Agency	✓	✓	✓	✓	NP
	Real Estate Office	✓	✓	✓	✓	NP
	Detective Service	NP	✓	✓	✓	NP
	Drafting Service	✓	✓	✓	✓	NP
	Construction office (office only)	NP	✓	✓	✓	NP
	Medical/Dental/Eye Clinic	CU	✓	✓	✓	NP
	Vet Clinic (domestic-no overnight boarding, no housing animals outside.)	NP	✓	✓	✓	NP

Use Units	Uses	R-O	C-1	C-2	I	A
	Vet Clinic (farm animals, allows overnight boarding)	NP	NP	NP	✓	✓
	Employment Agency	NP	✓	✓	✓	NP
Studios, Arts, Related Services	Art and Teaching Studios	CU	✓	✓	✓	NP
	Art Gallery	CU	✓	✓	✓	NP
	Art Supplies	CU	✓	✓	✓	NP
	Arts & Crafts shop/ & workshops	CU	✓	✓	✓	NP
	Broadcast Studio	NP	CU	✓	✓	NP
	Antique Shop without refinishing	CU	✓	✓	✓	NP
	Bakery	✓	✓	✓	✓	NP
	Barber and Beauty Shops	✓	✓	✓	✓	NP
	Bicycle shop	✓	✓	✓	✓	NP
	Books & Stationery	✓	✓	✓	✓	NP
	Tobacco Store	NP	✓	✓	✓	NP

Use Units	Uses	R-O	C-1	C-2	I	A
	Camera Shop	✓	✓	✓	✓	NP
	Clothing Store-manufactured goods	CU	✓	✓	✓	NP
	Tailoring Store/custom sewing	✓	✓	✓	✓	NP
	Catering Services	NP	✓	✓	✓	NP
	Drugstore or pharmacy	NP	✓	✓	✓	NP
	Cosmetics sales	CU	✓	✓	✓	NP
	Vacuum Cleaner Sales & Service	CU	✓	✓	✓	NP
	Dry cleaning (full service)	NP	✓	✓	✓	NP
	Dry cleaning (pick up only)	✓	✓	✓	✓	NP
	Florists	✓	✓	✓	✓	NP
	Food Specialties/Health Food Store	NP	✓	✓	✓	NP
	Health Studio/Gym or spa	CU	✓	✓	✓	NP
	Hearing Aid	✓	✓	✓	✓	NP
	Interior Decorating	✓	✓	✓	✓	NP

Use Units	Uses	R-O	C-1	C-2	I	A
	Jewelry store or repair	✓	✓	✓	✓	NP
	Leather goods and luggage	CU	✓	✓	✓	NP
	Optical Shop – and/or Optical Supplies	CU	✓	✓	✓	NP
	Music Instrument	NP	✓	✓	✓	NP
	News & Magazine Store	NP	✓	✓	✓	NP
	Key Shop	CU	✓	✓	✓	NP
	Medical Supplies and Services	NP	✓	✓	✓	NP
	Paint & Wallpaper	NP	✓	✓	✓	NP
	Pawn Shop	NP	CU	✓	✓	NP
	Pet Shop/Pet Store	NP	✓	✓	✓	NP
	Photography studio	✓	✓	✓	✓	NP
	Rug Cleaning or Repair	NP	✓	✓	✓	NP
	Second Hand Store	NP	CU	CU	CU	NP
	Shoe Repair	NP	✓	✓	✓	NP
	Shoe Sales	NP	✓	✓	✓	NP
	Sporting Goods	NP	✓	✓	✓	NP

Use Units	Uses	R-O	C-1	C-2	I	A
	Taxidermist	NP	NP	NP	✓	NP
	Toy Store	NP	✓	✓	✓	NP
Retail (large site: 2,500 and larger)	Auto Parts	NP	NP	✓	✓	NP
	Building Materials	NP	✓	✓	✓	NP
	Grocery Stores	NP	✓	✓	✓	NP
	Farm Supply/Tractor & and Fleet Stores	NP	✓	✓	✓	NP
	Green Houses/Nurseries with sale of plants and related products	NP	✓	✓	✓	NP
	Laundromats	NP	✓	✓	✓	NP
	Amusement Commercial Indoor	NP	CU	✓	✓	NP
	Kennels	NP	NP	NP	✓	✓
Dining Facilities	Drive-in (food)establishments	NP	✓	✓	NP	NP
	Restaurants – No entertainment	CU	✓	✓	NP	NP
	Restaurants – Entertainment	NP	NP	✓	NP	NP
	Cafes	NP	✓	✓	NP	NP

Use Units	Uses	R-O	C-1	C-2	I	A
Cultural, recreational, educational, & health care	Child Care Center- (Not Home Care)	NP	CU	✓	NP	NP
	Event Center	NP	CU	CU	NP	NP
	Hospital	NP	NP	✓	NP	NP
	Medical Center (Nonemergency)/Urgent care	NP	✓	✓	✓	✓
	College	NP	✓	✓	✓	✓
	K-12 School	NP	✓	✓	NP	✓
	Auditorium	NP	NP	✓	NP	✓
	Stadium	NP	NP	✓	✓	NP
	Churches	NP	CU	✓	✓	NP
	Golf Course (excluding miniature)	NP	NP	NP	NP	✓
	Private club or lodge	NP	CU	CU	NP	NP
	Cemetery – people	NP	NP	NP	NP	✓
	Cemetery – pets	NP	NP	NP	NP	✓
	Nursing, Assisted Living/ Rehab Facilities	CU	✓	✓	NP	NP

Use Units	Uses	R-O	C-1	C-2	I	A
Transportation and trade services	Bus Station	NP	CU	✓	✓	NP
	Taxi Service	NP	CU	CU	✓	✓
	Auto Sales	NP	NP	✓	✓	NP
	Car/Truck Wash	NP	NP	✓	✓	NP
	Lawn Equipment Sales and Repair	NP	CU	CU	✓	NP
	Body shop and garages	NP	NP	CU	✓	NP
	Sale and Service: Heavy Equipment	NP	NP	NP	✓	NP
	Convenience store dispensing fuel	NP	CU	✓	✓	NP
	Storage Units	NP	NP	✓	✓	NP
	Sign Shop	NP	NP	CU	✓	NP
	Warehousing	NP	NP	NP	✓	NP
	Assemble & Manufacture of Prepared Materials	NP	NP	NP	✓	NP
	Limited and General Manufacturing	NP	NP	NP	✓	NP
	Packaging	NP	NP	NP	✓	NP

Use Units	Uses	R-O	C-1	C-2	I	A
	Wholesale	NP	NP	NP	✓	NP
City Uses By Right	Fire Stations	✓	✓	✓	✓	NP
	Government Facilities	✓	✓	✓	✓	NP
	Library	✓	✓	✓	✓	NP
	Park	✓	✓	✓	✓	NP
	Parking	✓	✓	✓	✓	NP
	Parkway	✓	✓	✓	✓	NP
	Pasture Land	✓	✓	✓	✓	✓
	Utility Facilities	✓	✓	✓	✓	✓
	Essential Services in Public Right-of-Way	✓	✓	✓	✓	✓

14.04.06 Animals and livestock

A. Animals and livestock permitted To preserve the rural environment and character of the A-1 Agriculture, RE-1 Residential Estate, and RE-2 Residential Estate Districts, livestock shall be permitted within the city limits of Farmington, but not in excess and beyond the following limitations and exceptions as follows:

1. One (1) large animal, such as a horse, mule, cow, llama, or pig per one (1) acre of land in each lot or parcel.
2. One (1) small animal such as a goat, sheep, or emu per one-half (½) acre of land in each lot or parcel.
3. Ten (10) fowl or rabbits for each lot or parcel in the A-1 Agriculture District.
4. Five (5) fowl or rabbits for each lot or parcel in the RE-1 or RE-2 Districts.
5. Hobby kennels are permitted in A-1, RE-1, and RE-2 Districts. Kennels are permitted in A-1 Districts but are prohibited in RE-1 and Re-2 Districts.

B. Setback requirements To help safeguard and prevent animals from becoming nuisances and to protect citizens from potential harm in the newly formed residential estate districts, the following setback requirements must be met in order to own or harbor livestock.

1. The primary dwelling for large animals in the A-1, RE-1 and RE-2 Districts must be at least 100 feet from any neighbor's home.
2. The primary dwelling for small animals in the A-1, Re-1 and RE-2 Districts must be at least 50 feet from any neighbor's home.
3. The primary dwelling for fowl, and rabbits in the A-1, RE-1, and R3e-2 Districts must be at least 100 feet from any neighbor's home
4. Fencing for any livestock must be constructed in such a manner that animals may not reach legs, necks, wings, or any other body part onto a neighbor's property, or to any shrubs or plants growing onto a neighbor's property.
5. Fencing shall be constructed in such a manner as to secure livestock and shall be maintained in good condition at all times.
6. Concentrated feed operations for confined livestock shall not be permitted in any zoning district.
7. Manure shall not be allowed to accumulate to a point in which it creates an objectionable odor that is disturbing to any person within a reasonable proximity to the premises.

C. Nuisance animals While preserving the rural environment and character of the A-1 Agriculture, RE-1 Residential Estate and RE-2 Residential Estate Districts, it is vitally important for owners to exercise control animals. No owner shall fail to exercise proper care of and control of his or her animals to prevent them from becoming a public nuisance. Any animal doing any of the following shall constitute a public nuisance.

1. Running at large in violation of Title 6 of the Farmington city ordinance.

2. Permitting, either willfully or through failure to exercise due care and control, any animal to bark, yelp, whine, screech, howl, bray, or make other oral noises in a habitual, unreasonable, continued, or unprovoked manner that can be heard beyond the boundary of the owner's property and disturbs the peace and quiet of any person or persons.

D. Prohibited animals

1. No person shall harbor, maintain or control a wild, vicious or undomesticated animal within the city of Farmington as prescribed in Title 6, Farmington city ordinance.

2. All persons in all zoning districts shall be required to comply with the Animal Control Regulations prescribed by Title 6 of the Farmington city ordinances.

E. Exceptions and exemptions All persons who have stables or kennels or numbers of animals in excess of what is prescribed herein that are not in compliance at the effective date of this ordinance shall be permitted to continue as a legal non-conforming use and may be continued, until and except as provided in Chapter 14, Section 12 of the zoning ordinance. (Ord. No. 2011-2, Sec. 6.)

14.04.07 Special conditions applicable to certain uses

A. General Uses permitted or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this chapter.

B. Adult entertainment All sexually oriented businesses shall be limited to the C-2 Highway Commercial District and shall comply with Title 7, Chapter 7 of the Farmington city ordinance.

C. Manufactured housing parks Manufacturing housing units, as defined herein and in accordance with state and federal law, are not mobile homes as defined in Chapter we, Section 4. A manufactured housing park is not a Mobile Home Park District as described in Chapter 14, Section 20 of the zoning ordinance. Manufacturing housing parks are permitted uses in the A-1 Agricultural Districts and are therefore not a separate residential district. The following minimum standards apply to manufactured housing parks:

1. Setbacks Each manufactured housing unit space shall be set back at least thirty (30) feet from all street right-of-ways, and at least twenty (20) feet from all other lot lines.

2. Minimum lot size and space size Manufactured housing parks shall contain at least four thousand three hundred fifty (4,350) sq. ft. of gross site area for each manufactured housing unit space within the park. Each individual manufactured housing

unit space shall be at least three thousand (3,000) sq. ft. in area, but shall not occupy more than fifty percent (50%) of the lot area.

3. Separation of units Each manufactured housing unit and accessory structure shall be separated by at least twenty (20) feet of horizontal distance from all other manufactured housing units and accessory structures.

4. Parking At least two paved parking space, one hundred eighty (180) sq. ft. in area in each space, shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) sq. ft. in area, shall be provided for each ten (10) manufactured housing unit spaces. These guest parking spaces shall be centrally located within the park.

5. Driveways

a. Length and design Internal driveways or courts designed to have one end permanently closed, shall be no more than four hundred (400) feet long unless approved by the Planning Commission. A turn-around having an outside roadway diameter of at least eighty (80) feet shall be provided at the closed end of any driveway.

b. Paving All internal driveways shall be paved with asphalt. The minimum requirements are six (6) inches of compacted SB2 gravel with three (3) inches of asphalt surface on firm subgrade. Property owners shall be responsible for maintaining paving on all internal driveways.

c. Width Drives shall have a minimum paved width of twenty-six (26) feet. One-way drives are specifically prohibited.

6. Signs One detached, indirectly illuminated sign, not exceeding twenty (20) sq. ft. in area, may be erected at the main entrance to the manufactured housing park.

7. Fire protection Fire lines and fire hydrants shall be shown on the site plan, and shall be provided in accordance with recommendations of the Fire Chief. No manufactured housing unit space shall be more than two hundred fifty (250) feet from a fire hydrant.

8. Water and wastewater service Each manufactured housing unit shall be connected to a public sanitary sewer or a step sewer system and a public water supply system.

9. Underground utilities All light, gas, water, telephone and cable television distribution and service lines to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.

10. Inspections It shall be the duty of the Building Inspector to make an annual inspection of each approved manufactured housing park, and present to the park owner and unit owner, a written list of existing violations, should there be any.

11. Resident managers In manufactured housing parks containing thirty (30) or more units, a manager must reside within the park area.

D. Manufactured housing units Manufactured housing units shall be considered permitted uses in the A-1 zone, which are single-family districts, and in manufactured housing parks. All manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Building Code, as adopted by the state of Arkansas, as well as those established by the Arkansas Manufactured Home Commission. (Ord. No. 2011-2, Sec. 7.)

14.04.08 Re-zoning and development regulations

A. Re-zoning The following rules and regulations for re-zoning are as follows:

1. Fees The applicants for change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of Twenty-Five Dollars (\$50.00) to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the city of Farmington. The filing fee shall be waived for six (6) months following the effective date of this zoning ordinance.

2. Petition process

a. The zoning regulations, when amended shall be amended in conformance with the requirements of Title 14, Chapter 56, Subchapter 4 of Arkansas Code of 1987 Annotated, as amended, as required for the initial adoption of this ordinance.

b. The Planning Commission shall establish the procedure for processing requests for revision in the zoning regulations.

c. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or City Council, whichever is later, unless the Planning Commission or City Council finds that a substantial reason exists for waiving this limitation.

d.

(1) All applicant submitting requests for rezoning or amendments to zoning ordinances before the Planning Commission shall provide written notice of the time and place of the public hearing to the owners of all real property adjacent to the subject property. The notice shall include the name and address of the applicant, location of the subject property, and the time and place of the public hearing. Notice shall be sent to the owners of all real property adjacent to the subject property by certified mail, return

receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's office.

(2) Publish a notice of public hearing in a newspaper of general circulation serving the City. The notice must appear in the paper a minimum of 15 days before the public hearing date. Proof of publication of public hearing notice, should be provided a minimum of 7 days prior to planning commission meeting.

(3) Prior to the public hearing, applicants must submit a verified affidavit attesting to the delivery of the notice to owners of all real property adjacent to the subject property, a copy of the notice that was delivered to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to herein must be submitted seven (7) days prior to the public hearing.

(4) The Farmington City Business Manager shall post a notice of the public hearing on the subject property adjacent to the nearest city street or state highway. The notice shall be posted a minimum of seven (7) days prior to the public hearing, shall be clearly visible from the public thoroughfare, and shall contain the name and address of the applicant, location of the subject property, and the time and place of the public hearing. If the Planning Commission denies the proposed amendment, the petitioner may appeal such denial to the City Council, provided that the petitioner states specifically in writing to the City Clerk what 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 from the date of the Planning Commission action.

B. Large scale development

1. A large scale development plan shall be required for all industrial and commercial developments, multi-family and residential developments without regard to lot size; all site improvements to real property zoned commercial and industrial; and additions to existing structures on real property zoned commercial and industrial, when the improvements or additions to existing structures exceed twenty-five percent (25%) of the remaining real property.

2. A large scale development plan shall be submitted to the Planning Commission for their approval and shall include the following:

a. A map drawn to scale showing the size and shape of the property on which the development is proposed

b. The location, size and arrangement of existing buildings, signs, improvements, water courses or bodies, and any other features that will remain after the development is completed;

c. The location and size of all proposed buildings, parking and loading areas, the type of surfacing proposed for such areas, streets, driveways, curb cuts, landscaping and any other facilities proposed;

d. A correct legal description;

e. The location and names of all abutting or intersecting streets;

f. The location of all proposed public facilities;

g. Sufficient right-of-way dedication to comply with the Master Street Plan; and

h. Sufficient easements to meet utility and drainage requirements.

3. The Planning Commission shall approve, approve with conditions or disapprove within thirty (30) days of receipt of all large scale developments submitted. Ground for disapproval may be failure to comply with any of the above requirements.

A large scale development plan approved with conditions or disapproved may be appealed to the City Council. An appeal must be submitted in writing to the City Clerk within fifteen (15) days of the Planning Commission's decision and shall state the reasons for appeal.

4.

a. All applicants submitting preliminary plats of Large Scale Developments before the Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's office.

b. Prior to the regular or special meeting of the Planning Commission, applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to herein must be submitted seven (7) days prior to the regular or special meeting of the Planning Commission.

c. Publish a notice of public hearing in a newspaper of general circulation serving the City. The notice must appear in the paper a minimum of 15 days before the public hearing date. Proof of publication of public hearing notice, should be provided a minimum of 7 days prior to planning commission meeting.

d. The notice and verification provisions contained herein shall be required for all industrial and commercial developments, multi-family and residential developments without regard to lot size; all site improvements to real property zoned commercial and industrial; and additions to existing structures on real property zoned commercial and industrial, when the improvements or additions to existing structures exceed twenty-five percent (25%) of the remaining real property.

5. The owner or developer shall submit sufficient plans and specification for all improvements required by the Planning Commission and shall install at his expense said improvements.

6. Fees Large scale developments shall be subject to the following review fees. Said fees are to be paid when the Plan is submitted for placement on the agenda of the Planning Commission.

a. Prior to submitting a preliminary plat for single or multi-family subdivisions to the Farmington Planning Commission, owners and/or developers shall complete an application provided by the City Business Manager, provide all documents requested and remit a non-refundable review fee of Two Thousand Dollars (\$2,000.00). In the event engineering review fees and costs incurred by the city of Farmington exceed Two Thousand Dollars (\$2,000.00), owners and/or developers of subdivisions shall reimburse the city of Farmington for all additional expenses before the final plat is submitted to the Farmington Planning Commission. In the event a final plat is submitted but not approved, and additional engineering review is required, owners and/or developers shall remit payment for all additional engineering review fees and costs incurred by the city of Farmington prior to the plat being resubmitted to the Farmington Planning Commission for final plat approval. If additional fees are incurred after final plat approval, signature of Planning Commission officials on the final plat shall be withheld until the city has been reimbursed for all engineering fees related to the project.

b. For all other large scale developments, owners and/or developers shall complete an application provided by the City Business Manager, provide all documents requested, and remit a non-refundable review fee of Five Hundred Dollars (\$500.00), the owners and/or developers shall reimburse the city of Farmington for all additional expenses incurred prior to review by the Farmington Planning Commission. In the event the Farmington Planning Commission requires modifications to the large scale development and additional engineering fees and costs are incurred, the owners and/or developers shall reimburse the city of Farmington before the large scale development is resubmitted to the Farmington Planning Commission.

C. Lot splits

1. Delegation of authority The Farmington Planning Commission delegates the authority for approving or disapproving lot splits to the City Business Manager or to any city official designated by the Mayor. The City Business Manager, or other city official, as the case may be, shall either approve or disapprove the proposed lot split within thirty (30) days of application. If approved, and after all conditions have been met, the city Business Manager shall execute a written approval of the lot split and furnish a certified copy to the applicant, which shall be submitted to the Washington County Planning Office. If the lot split is not approved, the City Business Manager shall, in writing, state the reason for the disapproval. The applicant may appeal the decision of the City Business Manager to the Farmington Planning Commission.

2. Lot size The minimum lot size of tracts within the incorporated boundaries of the city of Farmington shall be governed by the lot size specified by the zoning classification of the subject property. Individual lots or parcels within the incorporated boundaries of the city of Farmington and lots or parcels within one (1) mile of the unincorporated boundaries surrounding the city of Farmington that require a septic system shall be constructed and installed in compliance with Arkansas laws, Arkansas State Health Department regulations and Washington County Health Department regulations.

3. Metes and bounds Applicants shall not be permitted to submit metes and bounds descriptions of tracts, parcels or lots on lot split applications.
4. Administrative provisions for division of land
 - a. Real property that has not been divided within ten (10) years prior to the application required herein shall be entitled to a division of not more than four (4) lots, subject to the requirements of (2) and (3) above.
 - b. The division of land into four (4) parcels all of which must be a minimum of five (5) acres when the tract or parcel being divided was derived from a previous lot split within ten (10) years from the date of application.
 - c. The division of land and adjustment of boundary lines for sale or exchange of tracts between adjoining land owners where the sale or exchange of land does not create additional lots.
 - d. Division of land into an unspecified number of tracts, with each tract consisting of at least forty (40) acres, more or less, in size.
 - e. Division of land as required by a court order.
 - f. Division of land to be used for cemetery purposes and division of and to create burial plots in a cemetery.
 - g. Division of land acquired by public acquisition for the widening or opening of streets and/or easements.
 - h. Division of land required for the transfer of an interest for mortgages, liens, or deeds of trust provided the division is not the result of a seller-financed transaction.
 - i. Division of land and conveyance necessary to correct errors in prior conveyances.
 - j. Division of land in the C-2 Highway Commercial Zone that meet the minimum are requirements of all applicable zoning ordinances.
5. Additional requirements Administrative division of land in Section 4, (a) through (j) above is subject to the following requirements:
 - a. Completion of application for a lot split and providing all necessary documents required with the application and a survey of the tract and the proposed division of land.

b. Parcels of land not fronting a public road or directly connected to a public road must have a sixty (60) foot easement for ingress, egress and utilities. The easement can be a shared easement.

c. Parcels fronting a public road must have at least seventy-five (75) feet of frontage if they are less than one (1) acre in size and at least one hundred (100) feet of frontage if they are less than five (5) acres in size and at least one hundred sixty-five (165) feet of frontage if the parcels are five (5) acres or greater in size.

D. Conditions for uses on appeal The Planning Commission shall hear and decide each request for conditional uses in each zoning district. The Planning Commission shall hold a public meeting on each request and may authorize the conditional use after all of the following requirements have been met.

1. A written application has been filed with the city and the Fifty Dollars (\$50.00) permit
2. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If by personal contact, a signed affidavit by the owner must be submitted.
3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Is screening and egress safe and convenient?
7. Are off-street parking and loading areas adequate?
8. Will refuse and service areas not cause adverse affects on adjacent property?
9. Will off-street parking and loading areas not cause adverse effects on adjacent property?
10. Will signs be in compliance with the city's sign ordinance?

E. Renewal of conditional use permits: Conditional Use Permits issued by the city shall be valid for one (1) year and will expire one (1) year from the date the permit is issued. If no written complaints have been filed with the city business manager within the one (1) year term, the Conditional Use Permit will automatically renew for businesses being issued permits in Zones R-O, C-1, C-2 and Industrial. If one or more written complaints have been filed with the city business manager regarding a business that was issued a Conditional Use Permit in Zones R-0, C-1, C-2 and Industrial within the one (1) year term, the individual or business entity will be notified and the person or business entity shall be required to reapply for a Conditional Use Permit for the next successive one (1) year term.

Conditional Use Permits for home day care businesses in residential zones shall be valid for one (1) year and will expire one (1) year from the date the permit is issued. If no written complaints have been filed with the city business manager within the one (1) year term, permits for home day care businesses in residential zones will be automatically renewed. If one or more written complaints have been filed with the city business manager within the one (1) year term, the individual or business entity will be notified and the person or business entity shall be required to reapply for a Conditional Use Permit for the next successive one (1) year term. Complaints regarding violations of rules and regulations promulgated by the Arkansas Department of Human Services for the operation of home day care businesses are not within the purview and enforcement of the city business manager and the Farmington Planning Commission. All complaints against businesses with Conditional Use Permits in Zones R-0, C-1, C-2, Industrial and home day care businesses in residential zones shall be in writing and shall include the name, address and telephone number of the complainant. Verbal complaints shall not constitute sufficient grounds to require a person or business entity to reapply for a Conditional Use Permit.

When presenting the written application for the Conditional Use Permit, a renewal application fee of Fifty Dollars (\$50.00) will also be required with each application. Any applications submitted without the requisite fee will not be accepted. All applications and fees should be delivered to Farmington City Hall. All Renewal applications must be submitted no later than forty-five (45) days before the expiration date in order to process the paperwork in a timely manner and avoid disruption of business at the location. (Ord. No. 2011-2, Sec. 8.)

14.04.09 Administration and enforcement

A. Administration and enforcement

1. Board of Adjustment

a. Designation, organization, meetings of the Board

(1) The Board of Adjustment, hereinafter referred to as "The Board," shall consist of the members of the Planning Commission.

(2) The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions.

(3) Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried out and published in a newspaper of general circulation in the city at least one time seven days prior to the meeting.

2. Appeals from the decision of Enforcement Officer The Board may hear appeals from the decision of the Enforcement Officer in respect to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decisions of the Enforcement Officer.

3. Variances The Board may hear request for variances from the literal provisions of the zoning ordinances in instance where strict enforcement of the zoning ordinances 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 ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

4. Fees The appellant to the Board of Adjustment shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of Twenty-Five Dollars (\$25.00) to cover such other costs as may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the city of Farmington.

5. Appeals from the decision of Board The decision of the Board in respect to appeals from the decision of the Enforcement Officer and to request for variances shall be subject to appeal only to a court of record having jurisdiction.

B. Compliance required

1. Enforcement:

a. The provisions of this ordinance shall be administered by an Enforcement Officer designated by the City Council.

b. No structure shall be erected, moved, added to or structurally altered, without a building permit. All applications for buildings permits shall provide such information as is necessary to determine conformance with these regulations.

2. Penalty for a violation Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations or conditions and safeguards established in connection with grants or variance or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereon be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for any one specified offense or violation, or double that sum for each repetition of such offense or violation. If the prohibited action is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed Two Hundred and Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, agent or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 2011-2, Sec. 9.)