

CITY OF LAVACA, ARKANSAS
Zoning Code

Adopted Oct. 11, 2010 Ordinance 2010-04

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Chapter 1

Authority – Purpose

Section 1. Authority

These regulations are adopted under the authority cited in Arkansas Code Annotated §14-56-401 through §14-56-426, and shall be known as the Zoning Code and may be cited as such.

Section 2. Purpose

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

B. The City Council, pursuant to the provisions of Arkansas Code Annotated §14-56-401 through §14-56-426, has established a planning commission, which planning commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with the Comprehensive Plan.

C. The regulations set forth herein are enacted to carry out or protect various elements of the Comprehensive Plan for the City of Lavaca and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Lavaca, Arkansas, and to provide 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.

Chapter 2

Definitions

Section 1. Definitions

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

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

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

Accessory Structure. An accessory building/structure is a non-residential subordinate building/structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as, the use of the main building or principal use of the land.

Accessory Use. An accessory use is a non-residential use, which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

Administrative Official of Officer. The person designated by the City Council to administer the Zoning Code.

Adult Daycare Center. Establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee, or grant for the adults attending the facility, whether or not operated for a profit.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce.

Alley. A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment building. A residential building, other than a town-house, containing three or more dwelling units.

Apartment House. A multi-family dwelling (See "Dwelling, Multi-Family).

Area. The term refers to the amount of land surface in a lot or parcel.

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

Automobile Body Repair/Painting. Any building, premises, and/or land in which or upon which a business, service, or industry involving the repair or painting of the body of vehicles is conducted or rendered.

Automobile Junk or Salvage Yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Automobile Mechanical Service/Repair. Any building, premises, and/or land in which or upon which a business, service, or industry involving the mechanical maintenance, servicing or repair of vehicles is conducted or rendered.

Automobile sales or leasing. The use of any building, land area, or other premise for the display and sale or leasing of new or used operable automobiles generally, but may include light trucks or vans, trailers, or recreational vehicles and including an vehicle preparation or repair work conducted as an accessory use.

Bed and Breakfast Inn. An owner-occupied dwelling unit that contains guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

Block Front. All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

Board of Zoning Adjustment (or board). A board established by Chapter 4, Section 6 of this Code.

Buildable Area. The area of that part of the lot not included within the yards or open spaces herein required.

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; the word building shall include the word structure. The term building shall include the term accessory structure, portable building.

Building, Coverage. The percentage of the lot area covered by the building.

Building height. The average vertical distance from the highest point of the building to the sidewalk grade or finished lot grade adjacent to the building, whichever is higher.

Building Line. The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, Main or Principal. A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.

Building, Temporary Construction. A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.

Car Wash. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical device, and which may employ some hand labor.

Child Care Center. Any place, home, or institution which receives six or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public schools and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

Church or Place of Religious Worship. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic, Dental or Medical. A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight.

Clubs and lodges. A membership organization established for specific purposes, having a charter of by laws, and operating in other localities in addition to Lavaca.

Commission. The Lavaca Planning Commission.

Community center. A meeting place used by members of a community for social, cultural or recreational purposes.

Community Theater. A building used for theatrical or other cultural activities, open to the public or designated part of a public, non-profit group or agency.

Comprehensive Plan. An official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. Once adopted, the plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The Comprehensive Development Plan shall be hereinafter called the Plan.

Conditional use. A use which may be permitted in a zone where it is specifically listed as a conditional use, subject to the provisions of Chapter 5 of this Code.

Convenience Store. Any retail establishment which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.

District, Zoning. Any section, or sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in Commercial Uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Duplication shop. A facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments or similar large scale operations.

Dwelling or Dwelling unit. Any room or group of rooms, including manufactured housing units, located within a building/structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family, but not including travel trailers, or house boats.

Dwelling, Attached. A single-family dwelling attached to two or more single-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family. A dwelling or complex designed for occupancy by three or more families living independently of each other, exclusive of recreation vehicle or manufactured home parks or camps, hotels, or resort type hotels.

Dwelling, Rear, Basement, or Upper Floor. A single-family dwelling that is a part of a non-residential building.

Dwelling for Resident Security Guard or Caretaker. A permanent dwelling for a security guard or caretaker employed on the premises of a site. A dwelling for a resident security guard or caretaker does not include Recreational Vehicles (RV) or manufactured homes.

Dwelling, Single Family. A dwelling designed to be occupied by one family.

Dwelling, Townhouse. Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling, Two-Family. A dwelling designed to be occupied by two families living independently of each other.

Duplex. (See Dwelling, Two-Family)

Easement. A property interest granted to a public utility company, the City, or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access.

Enforcement Officer. See Administrative Official or Officer.

Erect. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Existing Use. The established fact of the use of land or structure at time of effective date of this Code.

Factory-built Home. Any dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes, modular homes and mobile homes.