

Chapter 6
Additional Regulations

Section 1. **Accessory Buildings/Structures.**

Accessory buildings/structures are non-residential structures that are in existence to be used in connection with the use of a principal building/structure. Examples of accessory structures are: carports, sheds, storage buildings, garages, barns, shops, and other similar structures.

Accessory buildings must be subordinate and clearly incidental to a main or primary structure and located on the same lot as the primary building or structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure.

An accessory building may be built within a required rear yard when located at least 10 feet from the rear or side lot line and is not located within any easement or corner lot. On corner lots the side yard setback for corner lots shall apply. Accessory buildings/structures shall not exceed 800 square feet in gross floor area without approval from the Board of Zoning Adjustment. The accessory building shall be a minimum of 10 feet from any portion of the main building. The height of any accessory building shall not exceed 16 feet at the roof peak. Accessory structures shall be compatible at least in color with the main building on the premises.

Section 2. **Address Posting**

The owners and/or occupants of each building located within the city limits of Lavaca shall be required to post the address number for said building in a conspicuous place on the building or on a post or sign on the premises. Said number shall be posted on the side of the building or on the post or sign facing the street to which the address number applies and shall be clearly visible and legible from that street.

Address numbers shall be a minimum of three inches in height and shall be in a color contrasting with their background in order to facilitate visibility.

Failure to post the address number for a business or residence in the city shall be a misdemeanor violation and shall be punishable by a fine of not more than \$250.00.

Section 3. **Automobile Wrecking and Junk Yards.**

A. **General.**

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and

health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junkyard properly minimizes its objectionable characteristics, the standards established in items B and C shall be used.

B. Location.

1. Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 400 feet to any established residential district.
2. Salvage and wrecking yards annexed to the City by popular vote after adoption of this code, can continue in their present locations. Expansion must have prior approval of the City Council.

C. Screening.

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway area, from 8 to 12 feet in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

Section 4. Child Care Centers.

A. Child care centers authorized under conditional uses (Chapter 5) in residential districts shall meet the following provisions:

1. The center shall be located in a single family dwelling which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
2. The dwelling shall be located on a lot having not less than 9,000 square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence not less than 6 feet in height.
3. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.
4. The site shall permit all unloading and parking to occur on site without disturbing normal traffic operations of the surrounding neighborhood. All parking areas

shall be paved and shall be designed so that vehicles must not back into an existing street for egress.

5. Off-street parking will be provided for all employees.

- B. Commercial day care centers, kindergartens, and nurseries that are operated from buildings not originally designed as dwellings shall be located in a commercial zoning district.

Section 5. **Fences**

- A. Notwithstanding other provisions of this Code, fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no opaque fence, wall or hedge along the sides or front edge of any required front yard shall be over 4 feet in height. Fences, hedges or walls may project into or be located along the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of 8 feet.
- B. No fence in a residential district may be higher than 8 feet, unless a variance is obtained from the Board of Adjustment.
- C. Whenever a commercial or industrial zone or use abuts a residential zone or use, a privacy fence shall be required.
- D. No fences, walls, shrubs, or similar vegetation may be planted and/or constructed within 6 feet from the edge of the street.

Section 6. **Flammable Liquids and Gases.**

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and approved in writing by the Lavaca Fire Chief. _____

Section 7. **Height Requirements.**

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus may be erected to any height not in conflict with any other ordinance of the City.

Section 8. **Incidental Dwellings.**

Incidental dwellings are permitted in conjunction with a main or primary building or structure in all zoning districts. Specific requirements for certain types of incidental dwellings are listed in the below.

A. Apartments, Garage Apartments, and Guest Houses

Apartments, garage apartments, and guesthouses may be permitted as incidental dwellings to a single-family detached homes in all residential districts subject to the applicable district regulations and the following requirements:

1. No more than one apartment, garage apartment, or guesthouse may be permitted on any single-family residential lot or parcel.
2. A apartment or guesthouse shall be located in the rear yard of the principal dwelling unit.
3. Apartments, garage apartments, and guesthouses shall meet all setbacks of the district.
4. Manufactured Homes or Recreational Vehicles shall not be permitted as apartments, guesthouses, or garage apartments.

B. Security or Caretaker Residences

A security or caretaker residence may be permitted as an incidental dwelling in all zoning districts for purposes of caretaking, security and protection of the principal use, subject to the applicable district regulations and the following requirements:

1. Not more than one single-family dwelling unit may be permitted as a security residence on the same lot or parcel.
2. Manufactured Homes or Recreational Vehicles shall not be permitted as caretaker or security residences.

C. Utilities and Access

Incidental dwellings in design and construction shall be dependent upon the utility service and drive access of the main dwelling for utility service and access to the street.

Section 9. **Landscaping**

It is the intent of these provisions to encourage trees and shrub planting thereby reducing noise, air pollution, forceful winds, surface drainage and soil erosion to property and generally adding to the beauty of the entire City of Lavaca.

A. General Requirement

All parking areas, public or private, and including all open sales areas containing more than four (4) spaces, shall be screened with landscaping on the sides adjacent to any property that is used or zoned for residential purposes, and on the sides abutting a public right of way, exclusive of curb cuts.

B. All parking areas, public or private, and including all open sales areas, containing ten (10) or more contiguous spaces shall contain protected trees, dispersed among the parking spaces or around the perimeter of the parking area, to the extent that one (1) tree shall be provided for every ten (10) parking spaces, or fraction thereof.

C. Any required planting strip shall be a minimum of four (4) feet in width, a minimum of four (4) feet in height, and of a permanent, year-round nature.

D. It shall be the owner's responsibility to insure that the landscaping is maintained year around in a neat, clean, orderly, and living condition. This includes among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and regular watering of plants. Any open area between a fence or wall and adjacent property line shall be maintained in a neat and orderly manner.

Section 10. **Manufactured Homes.**

A. All manufactured homes shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

Section 11. **Mobile Homes.**

Mobile homes as defined herein, (built prior to July 1976) are not permitted in the City of Lavaca.

Section 12. **Off-Street Parking and Loading**

A. Off-street Parking Requirements.

1. **Minimum Standards.**

In all districts except the Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- a. Dwelling. Two side-by-side parking spaces for each dwelling unit, plus storage space for two more on driveway.
- b. Bed and Breakfast or Motel. One parking space for each two guests or each bedroom, whichever is greater.
- c. Medical or Dental Clinics or Offices and Hospitals. Seven spaces per doctor plus two spaces for each three employees in clinics and offices. For hospitals there shall be one space per bed and one space per employee on duty at any given time. (This includes doctors visiting patients.)
- d. Sanatoriums, Convalescent, or Nursing Homes. One space for each six patient beds plus one space for each staff or visiting doctor plus one space per employee on duty at any given time.
- e. Community Center; Theater, Auditorium. One parking space for each four seats based on maximum seating capacity.
- f. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation. One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- g. Retail Shops. One parking space for each 150 square feet of floor area devoted to sales.
- h. Office Building. One parking space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area.
- i. Commercial Establishments Not Otherwise Classified. One parking space for each 150 square feet of floor space in the building used for retail trade, or used by public, whichever is greater.
- j. Industrial Establishments. Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one parking space shall be provided for each 4 employees present at any given time.

- k. Church Sanctuary. One parking space for each 4 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary. Parking requirements for office, recreational, and educational uses shall be computed according to each classification.
- l. Day Care Centers. One parking space for each employee on duty at the day care center, plus two visitor spaces.
- m. All Others. For all other uses not covered in a through l above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

2. Application of Standards.

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

- a. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- b. Where a fractional space results, any fraction more than one-half shall be counted as one parking space.
- c. These standards shall apply fully to all uses and buildings established after the effective date of this Code.
- d. Except for parcels of land devoted to single-family or duplex residences, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- e. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as which may share parking with adjacent commercial uses.
- f. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.

B. Off-street Loading and Unloading Requirements.

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

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

C. Other Requirements.

1. Paved Surface Required.

All parking spaces provided under the provisions of this Article shall have a six-inch gravel base and be paved with concrete or minimum of 2 inches of hot mix asphalt. Parking areas must be paved and striped as required before a Certificate of Occupancy can be issued.

2. Driveways.

Driveways used for ingress and egress shall not exceed 25 feet in width, exclusive of curb returns, except that the width may be increased to 40 feet in a C-1 zone.

3. Buffer.

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet or more than six feet unless a variance is granted. Such fence or wall shall be maintained in good condition. A fence shall not be a substitute for any landscaping requirements.

4. Size.

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

Section 13. **Unused**

Section 14. **Residences in the Commercial Districts.**

A. Generally

All residences located in commercial districts must meet all building, fire, and plumbing codes for residential buildings. Off-street parking shall be provided in accordance with Chapter 6, Section 12, with the exception of residences located in the Central Business District. See part B of this section for requirements of residences in the Central Business District.

B. Residences are permitted in the Central Business District subject to the following:

1. Any dwelling that is a part of or used in conjunction with a commercial business or building, whether located in the rear, upper floor, basement, or other portion of the building or business, may not encompass more than 49 percent of the useable floor area of the first floor of the commercial business or building.
2. Any dwelling that is a part of or used in conjunction with a commercial business or building may not encompass that 51 percent of useable floor area on the first floor that is nearest the street.
3. One off-street parking space is required for each residence located in the Central Business District.

Section 15. **Second Dwellings.**

A second dwelling, as defined herein, may be permitted in residential districts subject to the following:

1. Only one second dwelling may be permitted on any one lot or parcel.
2. The lot or parcel must have the required lot area of the district for two dwellings.
3. Each unit must meet all district setbacks and area regulations.

4. Only one additional driveway may be permitted for the second dwelling; however, a shared driveway may be required.
5. Each dwelling must meet all applicable fire, plumbing, and building code requirements.
6. Manufactured homes or Recreational Vehicles are prohibited as second dwellings.
7. In the event that the second dwelling should be desired to be sold, the lot must be subdivided and meet all requirements of the subdivision regulations of the city of Lavaca.

Section 16. **Self-Storage**

The following are prohibited uses of self-storage facilities or areas:

1. Storage of flammable or hazardous chemicals or explosives;
2. Auctions, commercial, wholesale, or retail sales, or miscellaneous or garage sales;
3. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
4. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
5. The establishment of a transfer and storage business; and
6. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Section 17. **Signs**

A. **General**

The regulations established herein are designed to regulate sign structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; and to protect property values of the entire community. The regulations for signs and other advertising structures are indicated below. See Chapter 2 for definitions of terms.

No person except a public officer or employee in performance of public duty shall paste, post, paint, print, nail, tack, erect, place, project, or otherwise fasten any sign, pennant, or notice of any kind, or cause the same to be done facing or visible from any public street, except as provided herein.

The following general regulations apply to all signs where permitted in any zoning district:

1. No sign shall be erected or maintained at any location where, by reason of its position, size, shape or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in character in such a manner as to interfere with, mislead, or confuse traffic.
- 3. If the top of a sign or sign structure extends more than four feet above the ground, then said sign must be located not less than ten feet above the ground and with the supporting structures so designed as to allow maximum visibility; however, this requirement does not apply if the entire sign is located at least 15 feet from all property lines, or street curb, whichever is greater.
- 4. No illuminated sign shall be permitted within 50 feet of property in any residential use district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property. All lighted signs must meet the electrical code requirements.
- 5. No flashing sign shall be permitted within 200 feet of any residential zoning district in such a location as to be visible from said district.
- 6. All signs and sign structures, when permitted in a district shall be erected in conformity with the side and rear yard requirements of the district in which it is located, and shall be set back from the established street right-of-way line as to not block the view of an adjacent building, and in no case shall it be located closer than ten feet to the street property line.
7. Identification signs containing only the name of a church, public use or institution shall be permitted; but shall not exceed 32 square feet of area; and if not attached flat against a building, shall be at least 10 feet from all property lines.
8. Two real estate sign advertising the sale, rental, or lease of the premises on which it is maintained shall be permitted on any lot, provided it is non-illuminated and not over six square feet in area in a residential district and not over 32 square feet in a commercial or industrial district.

9. A subdivision sign not exceeding 32 square feet in area may be placed for directional purposes on private property along each major or secondary thoroughfare surrounding a subdivision which is in the process of development and initial sales, provided that the total number of such signs for any subdivision shall not exceed four and shall be removed upon completion of the development.
10. No sign which is otherwise permitted shall be painted, erected, or located upon or above the roof of any building located in any Residential District or the C-2 Neighborhood Commercial and Quiet Business District.
11. Political signs are permitted to be placed or erected on private property subject to the permission of the property owner in any district for a period beginning not more than 90 days prior to the election to which said signs apply and ending not more than 10 days following each election, provided the erector of such signs assumes reasonable responsibility for the removal and disposal of such signs after the election.

B. Additional Regulations in Residential Districts

In residential use districts, the following standards and provisions shall apply:

1. For any single-family or two-family dwellings, nameplates not to exceed one square foot in area shall be permitted for each residential structure. Such nameplate shall indicate nothing other than the name and/or address of the occupants of the premises.
2. Professional signs for home occupations shall not exceed four square foot, provided such sign is either a wall or ground sign located not closer than 20 feet to a street right-of-way line.
3. For multi-family and group dwellings, identification signs not to exceed 32 square feet in area shall be permitted. Such sign shall indicate nothing other than the name and/or address of the premises and name of the management. Such sign may contain indirect illumination.
4. Flashing or intermittent illumination is prohibited.

C. Additional Regulations in Commercial Districts

In commercial use districts, the following standards and provisions shall apply:

1. In the C-2 Neighborhood Commercial and Quiet Business District, flashing or intermittent illumination signs are prohibited.

2. In the C-2 Neighborhood Commercial and Quiet Business District, one identification sign not to exceed 10 square feet is permitted.

3. In the CBD Central Business District, and the C-1 Commercial District, business signs may be erected subject to the following:

- a. The height of a sign or sign structure shall not exceed 35 feet.
- b. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed 100 square feet.

D. Additional Regulations in the Industrial District

In the industrial use district, the following additional standards and provisions shall apply:

1. Signs may be erected subject to the following conditions:
 - a. The height of a sign or sign structure shall not exceed 35 feet.
 - b. The gross area of a sign or sign structure, including framing but excluding supports, shall not exceed 100 square feet.
2. Flashing or intermittent illumination signs are prohibited.

Section 18. Visibility at Intersections in Residential Districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision of vehicle drivers between a height of 2 ½ feet and 10 feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and a line joining points along said streets rights-of-way lines 25 feet from the point of intersection. The following graphic illustrates this requirement.