

ZONING CODE

MOUNTAIN VIEW, ARKANSAS

Prepared by:

Mountain View Planning Commission

With the Assistance of:

White River Planning & Development District

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TITLE 14

ZONING REGULATIONS

Chapters:

- 14.01 Purpose, Authority and Jurisdiction
- 14.02 Definitions
- 14.03 Zoning Districts
- 14.04 Off-Street Parking and Loading Requirements
- 14.05 General Provisions
- 14.06 Board of Zoning Adjustment
- 14.07 Administration and Enforcement

CHAPTER 14.01

PURPOSE, AUTHORITY AND JURISDICTION

Sections:

- 14.01.01 Purpose
- 14.01.02 Jurisdiction
- 14.01.03 Authority

14.01.01. Purpose

This code is enacted to ensure the coordinated, adjusted and harmonious development of the City of Mountain View, Arkansas. It divides the city into zones and within these zones it prescribes the height, bulk, location and use of buildings, and it prescribes the use and character of land. These regulations are designed to achieve the following results:

- A. To stabilize and conserve the value of property.
- B. To prevent the overloading of schools, streets, utilities and other services by limiting population density.
- C. To provide locations for land uses that are properly related to utilities, transportation and other land uses.
- D. To eliminate congestion by separating conflicting types of traffic and by requiring a parking and loading space off the streets.
- E. To improve living conditions, working conditions, and fire protection by requiring light, air and open space around buildings.

The Mountain View Planning Commission, having made a comprehensive study of present conditions and future growth of the city and its neighboring territory and having prepared and adopted a General Development Plan, finds that these regulations would carry out the intent of the General Development Plan and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency and economy in the process of development, convenience in population distribution, for public

utilities and other public improvements.

14.01.02. Authority

The authority to enact these regulations is granted by Act 186 of the 1957 Acts of Arkansas as amended.

14.01.03. Jurisdiction

These regulations apply to all land within the corporate limits of Mountain View, Arkansas, as now or hereafter set, as portrayed on the Official Zoning Map.

14.01.04. Nature and Application

For the purposes hereinbefore stated, the City has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location and size of buildings; open space and the uses of land, buildings, and structures. The provisions of these regulations shall be considered the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the sections contained herein relating to any or all districts.

No proposed plat of any new subdivision of land within Mountain View's corporate limits shall hereafter be considered for approval by the Planning Commission unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable land use zoning district of these regulations.

CHAPTER 14.02
DEFINITIONS

Sections:

- 14.02.01 Definitions
- 14.02.02 Zoning Map

14.02.01. Definitions

In the construction of this Title, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The interpretations shall be liberally construed.

The following word use shall apply in order to provide clarity of interpretation:

- A. Words used in the present tense shall include the past, and the plural, the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Access	A permanently free and unobstructed means of entry and exit, at least twelve feet (12') wide, from a piece of property to a public street.
Accessory Structure and Use	A subordinate structure or a portion of the main structure located on the same lot with the main structure, or a subordinate use of land, either of which is customarily incident to the main structure or to the principal use of the land.
Alley	A public way not over twenty feet (20') in width affording only secondary means of access to abutting property.
Amusement parlor	A type of commercial recreation building or part of a building in which five or more pinball machines, video games, or other player-operated and coin operated amusement devices are maintained.
Bed and Breakfast inn	A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.
Board of Adjustment	Mountain View Board of Zoning Adjustment, as established and constituted herein
Boarding house, rooming house	A building other than a hotel or restaurant where meals, a sleeping room and an off-street parking space for guests have been provided for compensation to not more than three (3) guests who are not members of the keeper's family.
Building	The word "building" includes all other structures of every kind

regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Building, Height	The vertical distance from the grade (elevation of the curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.
Building line, building setback line	A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.
Buffer area	The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, landscape strips, or other features.
Child care center	Means any child care facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for children. Any facility that is open more than ten (10) hours during a seven (7) day period is considered a child care center, subject to State licensing. This definition applies to facilities which provide care and supervision on a daily basis, and not to facilities that provide residential or longer term care, such as group homes or medical facilities. In addition, those facilities operating no more than three (3) consecutive weeks, such as Summer Bible Schools and Summer Day camps, are not considered to be a child care center.
Child care, home based	Any private residence situation, arrangement, or agreement by which one (1) or more persons care for six (6) or more children from more than one (1) family at a time (this includes the caregivers own preschool children). This arrangement must be licensed by the State and may care for up to sixteen (16) children, depending on the ages of children in care and the number of caregivers present. If there are eleven (11) or more children, health department and fire department approvals are required.
Church	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.
Commission	The Mountain View Planning Commission.
Conditional Use	A use permitted in a zoning district only after review and approval by the Planning Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.
Convalescent home	An extended or intermediate care facility licensed or approved to provide full-time nursing or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. Synonymous with extended care facility, intermediate care

	facility, long-term care facility, nursing home. Does not include hospitals and sanitariums.
Dwelling	Any building or portion thereof designed or used exclusively for residential purposes.
Dwelling, Single-Family	A building designed for or occupied exclusively by one family.
Dwelling, Two-Family	A building designed for or occupied exclusively for two families.
Dwelling, Multi-Family	A dwelling containing more than two dwelling units. This includes structures commonly called apartments, condominiums, row houses, and townhouses. For the purposes of these regulations, ownership of individual units is not a factor in determining classification of use.
Dwelling Unit	A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
Enforcement Officer	That individual designated by the City to enforce the requirements set forth in these regulations.
Family	One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises.
Fence	An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
Garage, Private	An accessory building used only for the housing of motor vehicles, without equipment for operation, repair, hire, or sale.
Garage, Public	A garage other than a private garage.
Grade	(1) The degree of rise or descent of a sloping surface. (2) The final elevation of the ground surface.
Grade, finished	The final elevation of the ground surface after development.
Home Occupation	Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare. When within the above requirements, a home occupation includes, but is not limited to, the following: (a) Art studio; (b) Dressmaking; (c) Professional office of a physician, dentist, lawyer, engineer,

architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;

- (d) Teaching, with musical instruction limited to one or two pupils at a time.

Hospital	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.
Hotel	A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.
Interior lot	A lot other than a corner lot.
Loading/unloading space or berth, off-street	An unobstructed, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers. To avoid undue interference with public streets and alleys, such space shall not be less than ten feet (10') in width, thirty-five feet (35') in length and fourteen feet (14') in height, exclusive of access aisles and maneuvering space.
Lot	Land occupied or to be occupied by a structure or use and its accessory structures, and including such open spaces and parking as are required under these regulations and having its principal frontage upon a public street. The word "lot" shall include the words "lot" and "parcel."
Lot, Corner	A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°) within the lot lines.
Lot Coverage	That portion of a lot covered by buildings or structures.
Lot, Through	A lot that has both ends fronting on a street. Either end may be considered the front.
Manufactured Home	A dwelling unit built in a factory after 1976 and bearing a seal of compliance to the H.U.D. construction code.
Mobile Home	A transportable dwelling unit built prior to June 15, 1976 (H.U.D. Code) which is greater than 320 square feet; built on a permanent chassis; originally having no foundation other than wheels, jacks or skirtings; and designed to be used as a year-round residential dwelling. Any mobile home that is moved off a single lot or is destroyed or otherwise rendered uninhabitable shall not be replaced by another mobile home.
Modular Home	A dwelling unit built off site in a factory meeting the requirements of local building codes. The modular home is built without any foundation and is hauled on a trailer to the site where it is placed on a site built foundation.
Motel	An establishment providing transient accommodations with at least

	twenty five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
Multi-Family Residential	See: Dwelling, Multiple.
Nonconforming Use	Any building or land lawfully occupied by a use at the time of passage of these regulations which does not conform with the use regulations of the district within which it is located.
Open Space	Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structure whatever.
Park, Neighborhood	A tract of land measuring a maximum of eight thousand (8,000) square feet, designed and used by the public for active and passive outdoor recreation.
Parking, off-street	A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
Parking lot	An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles; parking lots in this definition are a principal use and structure which may be public or private, which may or may not be open for use to the public for a fee, and is not accessory to any other use or structure.
Parking Space	A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, not less than nine feet (9') wide and twenty feet (20') long, connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.
Planned Unit Development (PUD)	Planned Unit Development is a residential development built under those provisions of these regulations which permit departures from the conventional siting setback and density requirements of other sections of this ordinance in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.
Planning Commission	See: Commission
Plat, Lot	A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may be needed for enforcement of these regulations.
Premises	A lot, together with all buildings and structures thereon.
Principal Use	The chief or main recognized use of a structure or of land.
Property Line	The line bounding a lot as defined herein.
Public buildings	Includes the following: police, fire, public utility, postal stations or substations and sewage pumping stations, public library and branch facilities, and other similar uses. Includes local, county, state, and federal government administrative buildings.

Recreation, commercial	A recreation facility operated as a business and open to the public for a fee.
Recreational Vehicle	A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
Recreational vehicle (RV) park	Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Under no circumstance may a recreational vehicle be occupied on a permanent basis, regardless of where it is located.
Restaurant	An establishment where food and drink is prepared, served and consumed primarily within the principal building.
Row house	One of a series of three (3) or more attached one family dwellings under common roof with common exterior wall, and separated from one another by single partition walls, without openings, extending from basement to roof.
School	A public or private facility that provides a curriculum of academic instruction, including kindergartens, elementary schools, junior high schools, high schools and post-secondary schools.
Screening	A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
Service station	Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.
Self-service storage facility, mini-warehouse	A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household good or contractors supplies.
Single-Family Residential	See: Dwelling, Single Family
Story	That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four feet (4’).
Street	A public way of more than thirty feet (30’) in width, dedicated to, established by, or maintained by public authority.
Structure	Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings. (See “building”.)

Townhouse	Attached one family dwellings, in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
Two Family Residential	See: Dwelling, Two Family
Variance	A departure from the strict interpretation of these regulations when authorized by the Board of Adjustment after finding that the literal application of the provisions of these regulations would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. (See Section 14.06.04)
Visibility triangle	An area bounded by the property lines of a corner lot located adjacent to an intersection and a line joining points along said property lines twenty-five feet (25') from the point of the intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets.
Warehouse	A building used primarily for the storage of goods and materials, including mini-warehouse or storage.
Warehouse, mini	(See "Self-service storage facility")
Wholesale	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
Yard	An open and unoccupied space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in these regulations is unoccupied and unobstructed from the ground upward except as may be specifically provided in these regulations.
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 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 and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.
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 side of the main buildings or any projections thereof.

CHAPTER 14.03
ZONING DISTRICTS

Sections:

- 14.03.01 Zoning Districts Established
- 14.03.02 Zoning Districts Map
- 14.03.03 Interpretation of District Boundaries
- 14.03.04 Low Density Residential District [R-1]
- 14.03.05 Moderate Density Residential District [R-2]
- 14.03.06 High Density Residential District [R-3]
- 14.03.07 Downtown Commercial District [DC]
- 14.03.08 General Commercial District [GC]
- 14.03.09 Tourist Commercial District [TC]
- 14.03.10 General Industrial District [I]
- 14.03.11 Planned Unit Development [PUD]

14.03.01. Zoning Districts Established

For the purpose of these regulations, the City is hereby divided into land use zoning districts, as follows:

- R-1 Low Density Residential
- R-2 Moderate Density Residential
- R-3 High Density Residential
- DC Downtown Commercial
- GC General Commercial
- TC Tourist Commercial
- I General Industrial

14.03.02. Zoning Districts Map

The location and boundaries of the land use zoning districts established by these regulations are delineated on a separate map designated as "Official Zoning Districts Map." The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of these regulations and may be referred to variously as the Zoning Districts Map or the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the Enforcement Officer and shall be available for inspection and examination by the general public during normal business hours.

14.03.03. Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such

lot lines.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
5. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

14.03.04. Low Density Residential District [R-1]

DESCRIPTION: This zone is primarily single-family residential, low density areas for residential expansion. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

PERMITTED USES:

1. Single-family structures
2. Two-family structures
3. Home occupations, as defined in, Section 14.02.01, subject to the requirements of Section 14.05.04.

CONDITIONAL USES: The following uses are permitted, subject to review *by* and conditions of the Planning Commission.

1. Neighborhood parks and playgrounds
2. Churches
3. Libraries
4. Public and non-profit schools (with off-street parking and screening required).
5. Utility substations (if no staff is required and screening is provided).
6. Home-based child care facilities [up to 10 children]

ACCESSORY USES: Structures and uses deemed accessory and pertinent to the principal structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

MINIMUM LOT AREA:

1. Single-family - 8,000 square feet
2. Two-family - 10,000 square feet
3. Churches - one platted city block - three hundred (300) feet square or three (3) acres, if land is not platted.

MAXIMUM LOT COVERAGE:	<p>4. All other uses – eight thousand (8,000) square feet</p> <p>1. Corner lots - 35%</p> <p>2. Interior lots - 40%</p> <p>3. Non-residential uses shall not cover more than fifty percent (50%) of the lot area.</p>
MINIMUM LOT WIDTH:	<p>1. Single-family - Seventy feet (70') at building line.</p> <p>2. All other uses - Seventy-five feet (75') at building line.</p>
MINIMUM FRONT YARD:	Twenty-five feet (25') from property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater.
MINIMUM SIDE YARD:	<p>1. Ten feet (10') from each interior property line;</p> <p>2. Corner lots shall have a minimum of twenty feet (20') from the side street property line or forty-five feet (45') from center line of existing side street right-of-way, whichever is greater.</p>
MINIMUM REAR YARD:	Ten feet (10') from rear property line.
MAXIMUM HEIGHT OF STRUCTURES:	Two (2) stories and not to exceed thirty-six feet (36').

14.03.05. Moderate Density Residential District [R-2]

DESCRIPTION: This zone is residential medium density in character and represents areas for residential expansion and a moderate diversity of housing types and styles. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

- PERMITTED USES:**
1. All uses permitted in Low Density Residential District [R-1]
 2. Multi-family structures consisting of not more than 10 units
 3. Boarding and rooming houses
 4. Bed and breakfast inn
 5. Home-based child care facilities

CONDITIONAL USES: The following uses are permitted, subject to review by and conditions of the Planning Commission:

1. All uses permitted conditionally in the Low Density Residential District [R-1]

2. Child care facilities (not more than 16 children)
3. Hospitals and convalescent facilities
4. Single-family manufactured home situated on a single lot, subject to the siting requirements of Section 14.05.10.
5. Retail, service and office uses whose scope of operation and scale is oriented heavily toward the neighborhood in which it is located, and whose characteristics involve limited vehicular traffic, storage space requirements, signage, or parking. Examples of such uses might include convenience stores, beauty shops, salons, doctor or dentist offices, or similar activities.

ACCESSORY USES: Structures and uses deemed accessory and pertinent to the principal structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

- MINIMUM LOT AREA:**
1. Single-family – six thousand (6,000) square feet
 2. Two-family structure – eight thousand (8,000) square feet
 3. Multi-family, row dwelling, or townhouses – eight thousand (8,000) square feet for the first two-family unit plus one thousand eight hundred (1,800) square feet for each additional family unit.
 4. Churches - one platted city block three hundred (300) feet square or three (3) acres, if land is not platted.
 5. Other non-residential uses: eight thousand (8,000) square feet

- MAXIMUM LOT COVERAGE:**
1. Single and Two-family – not more than fifty percent (50%) of lot area
 2. All other uses – not more than seventy percent (70%) of lot area

- MINIMUM LOT WIDTH:**
1. Row dwelling: Twenty feet (20') at building line.
 2. All other permitted uses: Fifty feet (50') at building line.

- MINIMUM FRONT YARD:**
1. Row dwelling: Fifteen feet (15') from property line, except where off-street parking or garage approach is provided in the front yard, in which case the building shall be set back a minimum of twenty-five feet (25') from the property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater.
 2. All other permitted uses: Twenty-five feet (25') from the property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater.

- MINIMUM SIDE YARD:**
1. Seven and one-half feet (7½') from each interior property line.
 2. Corner lots: Fifteen feet (15') from the side street property line or

forty feet (40') from center line of existing side street right-of-way, whichever is greater.

3. Row dwellings: No side yard required for individual units in a row dwelling, except at each end of a row dwelling structure where a fifteen feet (15') side yard shall be provided. Where one or both ends of a row house structure are on a corner lot, the development standard for side yards on corner lots in this district shall apply.

- MINIMUM REAR YARD:
1. Single and Two family – Ten feet (10') feet from rear property line.
 2. All other uses – fifteen feet (15') from rear property line.

MAXIMUM HEIGHT OF STRUCTURES: Two (2) stories and not to exceed thirty-six feet (36').

14.03.06. High Density Residential District [R-3]

DESCRIPTION: This zone is predominantly residential in character. It is characterized by maximum flexibility in terms of density and housing types and styles, and allowing appropriate office and retail uses which serve adjoining neighborhoods.

- PERMITTED USES:
1. All uses permitted in Moderate Density Residential District [R-2]
 2. Single-family manufactured home situated on a single lot, subject to the siting requirements of Section 14.05.10.
 2. Mobile/manufactured home park, subject to the design requirements of Section 14.05.14

CONDITIONAL USES: The following uses are permitted, subject to review by and conditions of the Planning Commission:

1. All uses permitted conditionally in the Moderate Density Residential District [R-2]
2. Child care facilities exceeding 16 children.

ACCESSORY USES: Structures and uses deemed accessory and pertinent to the principal structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

- MINIMUM LOT AREA:
1. Single Family – five thousand (5,000) square feet
 2. Multi-family – eight thousand (8,000) square feet for the first two-family unit plus one thousand eight hundred (1,800) square feet for each additional family unit.

- MAXIMUM LOT COVERAGE:** Sixty percent (60%)
- MINIMUM LOT WIDTH:**
1. Single family – Fifty feet (50')
 2. Two family – Sixty feet (60')
 3. All other uses – None
- MINIMUM FRONT YARD:**
1. Twenty-five feet (25') from front property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater.
 2. Mobile/manufactured home park – forty-five feet (45') from front property line.
- MINIMUM SIDE YARD:**
1. Single and Two family
 - a. Interior lots – Seven and one-half (7½) feet from each interior property line.
 - b. Corner lots: Fifteen (15) feet from the side street property line or forty (40) feet from center line of existing side street right-of-way, whichever is greater.
 2. Multi family – Fifteen feet (15'). Where one or both ends of a multi-family structure are on a corner lot, fifteen feet (15') from the side street property line or forty feet (40') from center line of existing side street right-of-way, whichever is greater.
 3. Mobile/manufactured home park: twenty feet (20') from each interior property line.
 4. All other uses – Ten feet (10') when abutting a property in a non-residential zoning district and fifteen feet (15') when abutting a property in a residential district.
- MINIMUM REAR YARD:**
1. Ten feet (10') from rear property line.
 2. Mobile/manufactured home park: twenty feet (20') from the rear property line
 3. All other uses – Ten feet (10') when abutting a property in a non-residential zoning district and fifteen feet (15') when abutting a property in a residential district.
- MAXIMUM HEIGHT OF STRUCTURES:** Three (3) stories, not to exceed fifty feet (50')

14.03.07. Downtown Commercial District [DC]

DESCRIPTION: The central shopping district, focused on the County Square, for banking, offices, retail goods and services, government offices, places of

amusement and recreation.

PERMITTED USES:

The following uses are permitted outright:

1. Retail establishment providing goods and services including: antique shops, arts and crafts, amusement parlors, general merchandise and department stores, restaurants, barber and beauty shops, newsstands, pet shops, shoes and clothing, commercial recreation, theaters, drug stores, public utility offices, furniture stores, variety stores, gifts and souvenirs, music stores, florists, appliance sales and service, and newspaper publishing.
2. Office and bank building and uses.
3. Hotels.
4. Places of public assembly.
5. Government offices.

CONDITIONAL USES:

The following uses are permitted, subject to review by and conditions of the Planning Commission.

1. Wholesaling and warehousing which do not disturb the retail character of the area.
2. Bulk storage of non-combustible materials which do not disturb the retail character of the area.
3. Loft apartments or similar residential accommodations utilizing the upper floors or rear of commercial buildings.

ACCESSORY USES:

Structures and uses deemed accessory and pertinent to the principle structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

MINIMUM LOT AREA:

None.

MAXIMUM LOT COVERAGE:

Eighty-five percent (85%).

MINIMUM LOT WIDTH:

None.

MINIMUM FRONT YARD:

None.

MINIMUM SIDE YARD:

None, except along the side of a lot abutting a lot in a residential district, in which case a side yard of five feet (5') shall be provided.

MINIMUM REAR YARD:

Ten feet (10') from rear lot line or center of platted alley, except on a lot abutting a lot in a residential district, in which case a rear yard of twenty-five feet (25') shall be provided.

MAXIMUM HEIGHT OF STRUCTURES: Three (3) stories and not to exceed fifty feet (50’).

14.03.08. General Commercial District [GC]

DESCRIPTION: The General Commercial District is established to accommodate a wide variety of goods and services, while allowing for a cohesive, attractive, and convenient grouping at appropriate locations for commercial establishments and business establishments.

PERMITTED USES:

1. All uses permitted in the Downtown Commercial DC District.
2. Retail establishments providing a wide variety of goods and services, professional offices, financial services, restaurants and other food service facilities, equipment sales and rental, governmental offices and facilities, grocery stores, department stores, gas stations, convenience stores, retail shops, medical facilities including clinics, rehabilitation centers, nursing homes and hospitals, automotive and machinery dealers and service, hardware and lumber sales and similar activities.
3. Owner-occupied residential units that are part of a commercial structure, provided that such units are not the predominant use of the structure.
4. Licensed child care facilities

CONDITIONAL USES:

1. All uses permitted in the R-1 and R-2 districts on a conditional basis, subject to review by and conditions of the Planning Commission.
2. Recreational vehicle parks, subject to the conditions as set forth in Section 14.05.15.
3. Media and/or communications towers
4. Warehousing, including mini-warehouses.
5. Replacement of non-conforming single-family residential structures.

ACCESSORY USES: Structures and uses deemed necessary and pertinent to the principle structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

MINIMUM LOT AREA: None.

MAXIMUM LOT COVERAGE: Eighty-five percent (85%).

MINIMUM LOT WIDTH: None.

- MINIMUM FRONT YARD:**
1. Seventy-five feet (75') from front property line or ninety feet (90') from centerline of existing right-of-way, whichever is greater, when parking is provided in front.
 2. Forty (40) feet from front property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater, when parking is not provided in front.
- MINIMUM SIDE YARD:** Five feet (5') from side property line, except on corner lot in which case the minimum side yard shall be twenty-five feet (25') from the property line.
- MINIMUM REAR YARD:** Ten feet (10') from the rear lot line or center of platted alley, except on a lot abutting a lot in a residential district in which case a rear yard of twenty-five feet (25') shall be provided.
- MAXIMUM HEIGHT OF STRUCTURES:** Three (3) stories and not to exceed fifty feet (50').
- ACCESS TO PROPERTY:**
1. All access points or driveways to the property shall be approved by the Enforcement Officer.
- PROPERTY LINE SCREENS:**
1. A planting or landscaping strip fifteen feet (15') wide abutting the front property line, as herein defined, shall be provided on any lot or parcel which is to be developed, subject to requirements established for a "visibility triangle" in Section 14.05.16.
 2. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on any rear and side property lines that abut a residential district; such screening shall be at least at eye level, subject to the provisions for a visibility triangle at street intersections (see Section 14.05.16).

14.03.09. Tourist Commercial District [TC]

- DESCRIPTION:** A district for businesses that primarily serve tourists to the area. Such uses would generally not serve local residents on an on-going basis, and whose operations may be cyclical and seasonal.
- PERMITTED USES:**
1. Craft shops, motels, cabins, recreational vehicle parks, fairgrounds, parks, music and craft demonstration venues, and similar uses and facilities.
 2. Licensed child care facilities
- CONDITIONAL USES:** None
- ACCESSORY USES:** Structures and uses deemed necessary and pertinent to the principle structure and use, not detrimental to the character of the zone and subject to the provisions of this zone.

- MINIMUM LOT AREA: 1. Recreational Vehicle Parks: three (3) acres
2. All other uses: none
- MAXIMUM LOT COVERAGE: None:
- MINIMUM LOT WIDTH: None.
- MINIMUM FRONT YARD: 1. Recreational Vehicle Park – Fifteen feet (15’)
2. All other uses –
a. Seventy-five feet (75’) from front property line or ninety feet (90’) from centerline of existing right-of-way, whichever is greater, when parking is provided in front.
b. Forty feet (40’) from front property line or fifty-five feet (55’) from centerline of existing right-of-way, whichever is greater, when parking is not provided in front.
- MINIMUM SIDE YARD: 1. Recreational Vehicle Park – Fifteen feet (15’)
2. Ten feet (10’) except when abutting a property in any residential district, in which case the distance shall be fifteen feet (15’)
- MINIMUM REAR YARD: Ten feet (10’)
- MAXIMUM HEIGHT OF STRUCTURES: 1. Recreational Vehicle Parks – One (1) story and not to exceed fifteen feet (15’)
2. All other uses – Two (2) stories and not to exceed thirty-six feet (36’).
- PROPERTY LINE SCREEN: A planting or landscaping strip fifteen feet (15’) wide abutting the front property line and a natural (trees or plants) or artificial (fence) barrier or screening shall be provided on rear and side property lines at least at eye level on any property line abutting a different zoning district.

14.03.10. General Industrial District [I]

- DESCRIPTION: A district intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and industrial activities having unusual or potentially deleterious operational characteristics where special attention must be paid to location and site development.
- PERMITTED USES: 1. The manufacturing, compounding, processing, packaging, storage or assembling of such products when it is found by the enforcement officer that the uses are not likely to create hazards of fire, explosions, noise, vibration, dust, lint, or the emission of smoke,

odor or toxic gases.

2. Wholesale facilities, including large scale retail [more than 5,000 square feet of display and/or sales space], subject to review by and conditions of the Planning Commission.
3. Media and/or communications towers
4. Automotive wrecking and salvage yards, subject to the conditions at 14.05.08.
5. Warehousing and storage facilities

CONDITIONAL USES: Industrial uses having by reason of their operation accompanying hazards, such as fire, explosion, noise, vibration, dust, lint or the emission of smoke odor, or toxic gases, if not in conflict with any ordinance in the City of Mountain View or with any law or statute of the State of Arkansas or the Federal Government. These uses may be permitted only if it has been approved by the City Council after public hearing and report by the Planning Commission, utilizing the conditional use procedures as provided in Section 14.07.04. The City Council shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety and general welfare will be properly protected and that necessary safeguards will be provided for the protection of surrounding property and persons. The City Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

ACCESSORY USES: Uses deemed to be accessory to the permitted uses, but not detrimental to the character of the zone.

PROHIBITED USES: The following uses are prohibited in this district:

1. Hospitals
2. Nursing homes and convalescent institutions
3. School and educational institutions, including churches
4. Hotels, motels, travel courts, dwellings and other buildings used for permanent or temporary housing of persons, except for dwelling for resident watchmen and caretakers employed on the premises in which case such use will be considered an accessory use.

MINIMUM LOT AREA: None.

MAXIMUM LOT COVERAGE: Forty percent (40%).

MINIMUM LOT WIDTH: None.

MINIMUM FRONT YARD: 1. Seventy-five feet (75') from front property line or ninety feet (90') from centerline of existing right-of-way, whichever is greater, when

parking is provided in front.

2. Forty feet (40') from front property line or fifty-five feet (55') from centerline of existing right-of-way, whichever is greater, when parking is not provided in front.

MINIMUM SIDE YARD: Forty feet (40').

MINIMUM REAR YARD: Forty feet (40').

MAXIMUM HEIGHT OF STRUCTURES: Two (2) stories and not to exceed thirty-six feet (36'), except that the Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and operation of the principle use require a structure of greater height and proper precautions have been taken to guarantee the public safety, health and welfare.

SCREENING: A planting or landscaping strip fifteen feet (15') wide shall be provided:

1. along the front property line; and,
2. along any property line abutting a different zoning district.

14.03.11. Planned Unit Development [PUD]

1. Intent

The intent of the Planned Unit Development (PUD) is to encourage variety and flexibility in the development of new types of residential design, such as condominiums, townhouses, row houses, adaptive reuse, attached housing, cluster design and minimal lot lines. The PUD also allows for more efficient use of public facilities in relatively scarce land areas. Use of the flexibility permitted in a PUD can be particularly appropriate in developing or redeveloping older areas of the city. The flexibility permitted in this section is not intended to be applicable to the development of a single dwelling on a single lot.

2. Districts Permitted

PUD's may be permitted in any Moderate Density or High Density Residential District (R-2 or R-3).

3. Permitted Uses

Residential developments of all types, regardless of the type of building in which such residence is located; single-family, two-family, townhouses, apartments, condominiums, row houses, etc., provided that all residences are intended for permanent occupancy by their owners or tenants. This specifically excludes residences of a transient nature, such as hotels, motels, travel and mobile trailer parks, and mobile home parks.

4. Permitted Accessory Uses

Uses specifically designed to meet the needs of the residents of the PUD, such as schools, day care facilities, churches, recreation facilities of a non-commercial nature, and any other structures or uses, including commercial uses which primarily serve residents of the PUD, deemed appropriate by the Commission and not detrimental to the character of the PUD and zoning district in which the PUD is located.

5. Development Superimposed

Final approval of a PUD superimposes such PUD on the underlying district requirements as an exception to such requirements to the extent that such PUD shall modify and supersede the requirements of the underlying zoning district.

6. Site Requirements

Acreage Minimum	Three (3) acres, under single ownership
Access	All access points or driveways to the property shall be reviewed and approved by the Commission.
Maximum Lot Coverage	Fifty percent (50%) in the aggregate.

7. Required Open Space

A. There shall be not less than seven hundred fifty (750) square feet of unobstructed open space per dwelling unit in the PUD. The required open space may be concentrated in a portion of the site or may be spread throughout the site. Not more than one-half (1/2) of required open space may be devoted to the required off-street parking. Such open space shall be designed and located in such a manner as to provide an appropriate mix of natural vegetation (trees, shrubs and other plants) and passive and/or active recreation easily accessible to residents of the PUD.

B. Provision shall be made for the maintenance and upkeep of all open space areas.

8. Phased Development

No structure or use designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to construction of not less than fifty percent (50%) of the dwelling units proposed in the plan.

9. Lot Requirements

The minimum lot size and setback provisions of other sections of these regulations are waived in the PUD, subject to the following conditions:

1. When zero lot line setbacks are proposed along the side yards of interior lots for detached dwellings, the site plan and proposed layout must show a uniform separation between the proposed residential structures.
2. Zero lot line setbacks on interior lots are allowed for attached dwellings, provided that there may not be more than eight (8) such attached dwellings in a single building.

10. Relationship to Adjacent Areas

The design of the PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize the undesirable impact of the PUD on adjacent properties and, conversely, to minimize the undesirable impacts of adjacent land uses and development characteristics on the PUD.

The setback from the external property line of the PUD shall be:

1. comparable to or compatible with those of the zoning district in which the PUD is located; or,
2. comparable or compatible with those of the existing development of adjacent properties; or,

3. if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties, given the existing zoning of such properties.

11 Off-Street Parking

Off-street parking shall be provided in a PUD in the same ratios for types of buildings and uses as are required in Chapter 14.04 of this code.

12. Legal Instruments

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measures and similar common elements in a development. The City encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement districts, contracts and covenants. All legal instruments setting forth the plan or manner of permanent care and maintenance of such open space, recreational areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed uses. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the application.

13. Conformance with other Regulations

The PUD shall comply with the requirements of the Subdivision Regulations of the City of Mountain View for provision of public improvements, such as, but not limited to streets, drainage, water, and sewer.

14. Procedures

The following procedures for application, public hearing, submission, review by the Planning Commission and City Council action shall apply:

1. The owner/applicant/developer shall submit a written application to the City on such form or forms as may be required.
2. The owner/applicant/developer shall pay an application fee to the city in the amount of one hundred dollars (\$100.00) at the time of the application, and none of this fee is returnable under any circumstances.
3. A notice of public hearing shall be published in the same manner as prescribed in Section 14.07.03 and the Planning Commission shall conduct the public hearing to review the planned unit development proposal.
4. The provisions of Section 14.07.03 with regard to written notification of surrounding property owners and the placement of a sign in a conspicuous place on the site are applicable to planned development district proposals.
5. After conducting the public hearing, the Planning Commission may recommend approval, with or without modification and/or conditions, or deny the planned unit development proposal.
 - a. If the Planning Commission recommends approval, it shall notify the City Council in writing, indicating the reasons and justification for such recommendation.
 - b. If the Planning Commission should deny the proposal, the owner/applicant/ developer's may appeal the Planning Commission's decision to the City Council, subject to the requirements and limitation of Section 14.07.03, subsection 2.g.

15. The City Council, by majority vote, may:

- a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
- b. return the proposed change to the Commission for further study and recommendation; or,
- c. deny the recommended amendment.

The City Council may not consider any application that has been modified by the applicant not explicitly in conformance with formal Planning Commission approval.

CHAPTER 14.04
OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 14.04.01 Purpose
- 14.04.02 Category of Uses and Conditions of Uses Covered
- 14.04.03 Location of Off-Street Parking
- 14.04.04 Parking Standards
- 14.04.05 Drive-In Business
- 14.04.06 Loading and Unloading

14.04.01. Purpose

It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in these regulations and to describe design standards and other required improvements.

14.04.02. Category of Uses and Conditions of Uses Covered

1. All new developments and alterations to, or expansion of, existing developments shall comply with the applicable requirements of this chapter.
2. Extensions of existing parking lots by fifty percent (50%) or more of the number of existing stalls; all of the lot must be brought up to the standards of this chapter.
3. On street parking may be permitted in the Downtown Commercial District [DC] where sufficient pavement width permits the free flow of traffic, and subject to any limitation imposed by the Arkansas Highway and Transportation Department on state highways. On street parking shall not be permitted on any state highway outside of the Downtown Commercial District [DC].

14.04.03. Location of Off-Street Parking

1. All parking spaces provided pursuant to this chapter shall be on the same lot with the building or within five hundred feet (500') thereof. The distance to any parking area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area or facility is to serve. Off-site parking shall not exceed twenty-five percent (25%) of the total number of spaces required by this chapter.
2. When detached parking facilities or satellite parking lots are provided, they shall be located on property which is zoned to allow the principal use which this parking will serve. Parcels of land used as access to or from parking or loading areas for any land use shall conform to this requirement.

14.04.04. Parking Standards

The following standards are intended to be guidelines for providing adequate parking, as opposed to either minimum or maximum requirements. It is understood that a great deal of variation may occur as a result of the classification of street on which a use is located, hours of operation, joint tenancy, and other factors. An applicant may request, and the enforcement officer may approve, a departure from these

guidelines of not more than twenty percent (20%). Any request in excess of twenty percent (20%) must be submitted to the Planning Commission for approval.

ACTIVITY	NUMBER OF PARKING SPACES
1. Living Activities	
a. Dwellings:	
(1) Single-Family	One (1) parking space per single-family dwelling.
(2) Multi-family	One and one half (1.5) parking spaces for each dwelling unit; in addition, for developments in excess of fifty (50) dwelling units, one (1) screened space for each ten (10) dwelling units for recreation vehicles.
b. Boarding houses, Lodging houses, Bed & Breakfast facilities	One (1) parking space for the proprietor plus one (1) space for each sleeping room for boarders and/or lodging use plus one (1) additional space for each four (4) persons employed on the premises.
c. Motels and Cabins	One (1) parking space for each sleeping or dwelling unit plus two (2) parking spaces for each three (3) employees.
2. Commercial Activities	
a. Banks	One (1) parking space for each two hundred (200) square feet of gross floor area, except when part of a shopping center.
b. Professional Offices and Businesses	One (1) parking space for each four hundred (400) square feet of gross floor area except when part of a shopping center.
c. Shopping Centers	One (1) parking spaces per five hundred (500) square feet of gross leasable area.
d. Restaurants	One (1) parking space for each three (3) seats, plus one (1) space for each employee but not less than five (5) employee spaces.
e. General business and retail sales, except as otherwise provided	One (1) parking space for each three hundred (300) square feet of gross floor area, exclusive of storage area, except when located in a shopping center.
h. Uncovered Commercial Area, New and Used Car Lots, Plant Nursery	One (1) parking space for each two thousand (2,000) square feet of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
i. Motor Vehicle Repair and Service	One (1) parking space for each four hundred (400) square feet of gross floor area except when part of a shopping center.

ACTIVITY	NUMBER OF PARKING SPACES
3. Industrial Activities	
a. Manufacturing, Research and Testing Laboratories Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops	One (1) parking space for each one thousand (1,000) square feet of gross floor area.
b. Warehouses and Storage Buildings	One (1) parking space for each one thousand five hundred (1,500) square feet of gross floor area.
c. Uncovered Storage Area	One (1) parking space for each two thousand (2,000) square feet of area.
4. Recreation-Amusement Activities	
a. Auditoriums, Theaters Places of Public Assembly, Stadiums and Outdoor Sports Areas	One (1) parking space for each five (5) fixed seats or one (1) parking space for each one hundred(100) square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.
b. Bowling Alleys	Five (5) spaces for each alley except when located in shopping centers.
c. Golf Driving Ranges	One (1) parking space for each driving station, plus one (1) space for each employee.
d. Miniature Golf Courses	One (1) parking space for each hole, plus one (1) space for each employee.
5. Educational Activities	
a. Senior High Schools; Public, Parochial, and Private	One (1) space for each five (5) students and one (1) space for each administrative and teaching personnel. In addition, if buses for the transportation of children are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus.
b. Elementary and Junior High	Two (2) parking spaces for each three (3) employees. In addition, if buses for transportation of students are kept at the school, one off-street parking space shall be provided for each bus of a size sufficient to park each bus.
c. Libraries and Museums	One (1) parking space for each two hundred (200) square feet in office and public use, plus one (1) space for each employee.
d. Child Care Facilities	One (1) parking space for each employee plus one (1) space per facility vehicle, plus one (1) space per ten (10) persons of licensed capacity, plus loading and

ACTIVITY	NUMBER OF PARKING SPACES
	unloading area.
6. Medical Activities	
a. Medical and Dental Offices/Clinics	One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) space for each doctor and paramedical professional, except when located in a shopping center.
b. Convalescent, Nursing, and Health Institutions	One (1) parking space for each two(2) employees plus one (1) parking space for each three beds.
c. Hospitals	Two (2) parking spaces for each bed.
7. Religious Activities	
a. Churches	One (1) parking space for each three (3) seating spaces.
b. Mortuaries or Funeral Homes	One (1) parking space for each three (3) seats in the chapel.
8. Other Uses	For uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the Planning Commission, is most similar to the use under consideration
9. Combined Facilities	Two or more uses in the same building, or on the same building site, may be combined or used jointly, provided that the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, unless it is certain that those uses have dissimilar peak-hour parking demands.

14.04.05. Drive-In Business

All banks, savings and loans associations, cleaning establishments, food dispensing establishments and other business which maintain drive-in or drive-thru facilities which are intended to serve customers who remain in their motor vehicles during the business transaction or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles. Such stacking space shall be separated from, and shall not be calculated as a part of the required off-street parking area. The stacking space, leading to the drive-up windows, shall be equal in length to four (4) car lengths per window.

14.04.06. Loading and Unloading

1. For all buildings hereafter erected, reconstructed or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. Such buildings and uses may include: warehouses, supermarkets, department stores, office buildings, industrial or manufacturing establishments, freight terminals, mortuaries, schools, nursery or day-care centers and such other uses which, in the judgment of the Planning Commission, are similar in nature in regard to loading space requirements.
2. No portion of a vehicle taking part in loading or unloading activities shall project into a public street or alley.
3. Loading space shall be in addition to required off-street parking spaces.
4. Space for loading berths may occupy all or any part of any required setback as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements of the district in which the use is located.
5. The space designated for loading and unloading shall be sufficient to accommodate both the size of vehicles and number of vehicles which can be expected for normal operational requirements.
6. Where the loading and unloading of people and passengers is the normal loading activity, such activity shall be physically separated from traffic.

CHAPTER 14.05
GENERAL PROVISIONS

Sections:

- 14.05.01 Annexed Lands
- 14.05.02 Completion of Existing Buildings
- 14.05.03 Non-Conforming Uses
- 14.05.04 Occupations Permitted in Residential Structures Utilized for Residential Purposes
- 14.05.05 Lot Area
- 14.05.06 Area Not to be Diminished
- 14.05.07 Conditional Use Provisions Not Non-Conforming Uses
- 14.05.08 Automobile wrecking and junk yards
- 14.05.09 Interpretation of uses
- 14.05.10 Manufactured home siting requirements
- 14.05.11 Temporary dwelling for construction, maintenance and security personnel
- 14.05.12 Broadcast media and wireless communications towers
- 14.05.13 Temporary Permits
- 14.05.14 Mobile/Manufactured Home Parks
- 14.05.15 Recreational Vehicle Parks
- 14.05.16 Visibility Triangle at Intersections
- 14.05.17 Fences, Walls and Hedges
- 14.05.18 Exceptions to Height Regulations
- 14.05.19 Structures to have access

14.05.01. Annexed Lands

The zoning district classification(s) of any new additions and annexations of land to the City of Mountain View after adoption of this Code shall be established in either one of two ways:

- A. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 14.07. shall be followed.
- B. In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as Low Density Residential [R-1] and be subject to the requirements of that classification upon the effective date of said annexation. Such classification shall be considered as temporary for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year of time, the Planning Commission may study and make recommendations concerning the permanent zoning classification, consistent with any applicable plans adopted by the City of Mountain View. The procedures governing amendments to the Zoning Districts Map at Section 14.07.03 shall be followed. In the event that the Planning Commission makes no recommendation to the City Council during this one year period, the temporary classification shall automatically become permanent.

14.05.02. Completion of Existing Buildings

- A. Nothing herein contained shall require any change in the plans, construction or designated use

of a building actually under construction at the time of the adoption of these regulations.

- B. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within one hundred twenty (120) days after adoption of these regulations.

14.05.03. Non-Conforming Uses

- A. Definition of Non-conforming:

That which does not meet the requirements of the use district in which it is located at the time of the effective date of these regulations.

- B. A non-conforming use of structure is that which does not conform to the permitted use of structures of the use district in which it is located and which non-conforming use is the principal use of the structure.

A non-conforming use of structure:

1. May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the protection of adjacent property as approved by the Board of Adjustment.
2. May be extended to any portion of a structure arranged or designed for such non-conforming use at the time of passage of these regulations.
3. May be changed to a similar use if no structural changes are necessary.
4. Once changes to a conforming use, cannot be changed to a non-conforming use.

- C. A non-conforming structure is a structure or building, the size, dimensions, location or construction of which was lawful prior to the adoption, revision, or amendment to the zoning regulations but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

A non-conforming structure may,

1. with the approval of the Board of Adjustment, be remodeled to maintain the premises in a safe and usable condition.
2. with approval of the Board of Adjustment, be added to if said addition meets the area requirements of the district in which the structure is located.
3. if destroyed, be reconstructed or rebuilt, provided that:
 - a. the rebuilt structure does not in any way expand the extent of non-conformity that existed prior to the destruction of the structure;
 - b. the rebuilt structure meets the requirements of all state and municipal codes;

- c. no manufactured or mobile home that existed in an R-1 or R-2 district and has either moved or destroyed may be replaced. The owner-occupant of a manufactured home may request a waiver from this prohibition to the Board of Adjustment, and the Board of Adjustment may grant such a waiver if it determines that said prohibition would create an extreme hardship.

14.05.04. Occupations Permitted in Residential Structures Utilized for Residential Purpose

- A. An occupation may be carried on in a residential structure in a residential use area only if:
 - 1. It does not involve the use of commercial vehicles.
 - 2. It does not require the use of more than two rooms otherwise normally considered as living space.
 - 3. It does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses. When a state statute or regulation requires the operation of an occupation separate from the living quarter, an accessory structure may be utilized, provided that it conforms to other regulations of the district in which it is located.
 - 4. It does not have a sign in excess of four (4) square feet to denote the business, occupation or profession, and such sign must be attached to the structure.
 - 5. It does not involve the external display of goods and services.

14.05.05. Lot Area

On any lot separately owned in a residential use area at the time of passage of these regulations and retained in continuous separate ownership, a single-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located, provided all other requirements are met.

14.05.06. Area Not to be Diminished

The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

14.05.07. Conditional Use Provisions Not Non-Conforming Uses

Any use which is permitted as a conditional use in a district under the terms of these regulations, other than a change through Board of Adjustment action from a non-conforming use to another use not

generally permitted in the district, shall not be deemed a non-conforming use in such district but shall without further action be considered a conforming use.

14.05.08. Automobile wrecking and junk yards

Because of the nature and character of the operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a detrimental effect on 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 junk yard properly minimizes its objectionable characteristics, the following standards shall be used:

1. **Location:** Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
2. **Screening:** All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') 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.
3. **Off-Street Parking:** Off-street parking shall be provided, consistent with the requirements of Chapter 14.04.
4. **Ingress and Egress:** The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

14.05.09. Interpretation of uses

In the event an applicant wishes to use property for a use which is not specifically identified under permitted or conditional uses, and where such use is not specifically prohibited from the district, the following provisions shall apply:

1. The Enforcement Officer shall submit to the Planning Commission a written request for a determination of the unclassified use.
2. The Planning Commission shall review the request as submitted and determine if the proposed use is of a similar character to uses permitted in the district in which it is proposed.
3. If the Planning Commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then it shall instruct the Enforcement Officer to issue a permit.
4. In the event that the Planning Commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses within the district, then the applicant shall apply for a conditional use subject to review procedures of Section 14.07.04.

5. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by these regulations within a certain district.

14.05.10. Manufactured home siting requirements

The following siting standards shall apply to all instances of placement of manufactured homes permitted in a residential district:

1. A pitched roof of at least three feet (3') rise in a twelve foot (12') run;
2. Removal of all transport elements;
3. Permanent foundation;
4. Exterior wall finished so as to be compatible with the neighborhood;
5. Orientation compatible with placement of adjacent structures;
6. Underpinning with permanent materials; and,
7. Compliance with other district standards.

14.05.11. Temporary dwelling for construction, maintenance and security personnel

A mobile home or other type of dwelling unit intended for temporary use may be located within any district as a special permit use for occupancy by construction, maintenance, or security personnel.

14.05.12. Broadcast media and wireless communications towers

1. Definition.

In this section “tower” means any mast, brace, or other structure used for the support of radio, television, broadcast media or wireless communication antennas.

2. Site Location criteria

Transmission towers may be permitted only in those zoning district where they are specifically identified as a conditional use, and must meet the following siting conditions:

- a. The owner/user shall first consider sharing other existing or proposed towers in lieu of building a new tower. As part of the application for approval as a conditional use, the applicant shall specifically provide justification as to why sharing is not practical or possible.
- b. No tower may be located such that it could strike another tower or supporting structure of another tower should it fall.
- c. The tower shall be set back a distance equal to or greater than its height from any residential structure, public road or residential zoning district and not closer than twenty percent (20%) of its height or the distance between the tower base and guy wire anchors, whichever is greater, from any other structure (apart from its accessory buildings).

- d. The tower shall be set in a manner that all ice-fall or debris from the tower structure (including tower failure) or guy wires will not fall outside the parcel (being the property purchased or leased for the tower site) containing the tower.
- e. All guy wire anchors shall be located not less than twenty-five feet (25') from the parcel boundary.
- f. The tower shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or Arkansas Department of Aeronautics (ADA). That lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or ADA requires another type of lighting.
- g. All accessory structures will meet the normal setbacks for the district in which they are located.
- h. Accessory facilities shall not include offices, long-term vehicle storage, other outside storage, broadcast studios (except for emergency purposes) or other uses that are not needed to send or receive transmissions, and in no case may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.
- i. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- k. All towers and accessory structures shall be surrounded by a solid vegetative buffer strip to form a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view from the surrounding properties. The buffer shall consist of evergreens which will reach a minimum height of at least eight feet (8') within five (5) years. The vegetation shall not encroach over the adjacent property lines and shall provided a complete screen during all months of the year. The plant material and layout must be approved by the Commission, prior to issuance of a permit. Other types of vegetation, topography, walls, and fences may be substituted, as approved by the Commission.
- l. The tower shall not be located so that would be a hazard to aircraft or a source of adverse electromagnetic interference for the surrounding property owners.
- m. Whenever feasible, the tower should be designed with the capacity for shared use with other potential tower users.

14.05.13. Temporary Permits

Temporary uses such as bazaars, carnivals, festivals, religious meetings, yard or garage sales and similar activities shall not be subject to the provisions of these regulations. Temporary commercial activities not connected with a festival or related activity, such as mobile tattoo parlors, cantinas or other mobile food service vendors, and similar activities, must apply to the enforcement officer for a temporary use permit. Such a permit shall only be issued when, in the opinion of the enforcement officer, such use is consistent with uses permitted by right or conditionally in the district where it wishes to locate, will not be detrimental to surrounding properties and can meet any other relevant requirement of city or state law. No temporary use permit shall exceed a period of ninety (90) days. Appeals of any decision of the enforcement officer shall be to the Board of Adjustment.

14.05.14 Mobile/Manufactured Home Parks

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

1. Permitted District Locations

Mobile home parks shall be permitted only in the High Density Residential District (R-3).

2. Development Standards

Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

- a. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than five (5) acres. The site may not have an average slope of more than ten percent (10%).
- b. Each mobile home space shall contain not less than four thousand (4,000) square feet minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than forty feet (40') in width.
- c. Each mobile home unit shall be set back at least twenty feet (20') from all internal drives and access routes through the mobile home park.
- d. The minimum distance between mobile homes shall be twenty feet (20'), and under no circumstances shall there be more than eight (8) mobile home spaces developed in any one (1) acre of the mobile home park.
- e. Mobile home parks must be set aside and improve an area to be used for recreational purposes. All parks shall develop a recreational area equal to eight percent (8%) of the total land area of the park.
- f. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such internal drives shall be privately-owned, built and maintained. Such roadways shall be at least thirty feet (30') in width and shall be constructed with a bituminous or concrete surface. All internal drives shall have unobstructed access and be connected to at least one collector or minor arterial street, as identified on the Master Street Plan.
- g. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen feet (15').
- h. There shall be at least two (2) paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.
- i. Each space shall be provided water, sewer, and electrical service meeting all relevant codes.

- j. There shall be a setback of all side and rear property lines of at least twenty feet (20')
- k. Any unit located within the park shall have all transport elements removed, and shall be securely tied down and underpinned.

3. Review Procedure

The Commission shall review all proposals for Mobile Home Park design using the Conditional Use procedures of Section 14.07.04.

14.05.15. Recreational Vehicle Parks

A recreational vehicle (RV) park shall conform to the following requirements:

- 1. The RV park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from standing pools of water;
- 2. Each RV space shall be no less than twenty-five feet (25') wide and fifty feet (50') long;
- 3. Each RV space shall contain a concrete slab for parking of not less than ten feet (10') in width, twenty feet (20') in length, and four inches (4") in thickness;
- 4. The parking slab shall be arranged in such a manner that it does not abut the parking slab of an adjacent space;
- 5. Each space shall be provided with water, sewer, and electrical service approved by the Arkansas Department of Health;
- 6. Each space shall abut a driveway of not less than thirty feet (30') in width, which shall have unobstructed access to and be connected to at least one public street and which shall be hard surfaced;
- 7. The RV park shall provide a bath-house and restroom of permanent construction;
- 8. Any units located in the RV park intended for office, maintenance, or storage use shall be of permanent construction.
- 9. The minimum size of property shall be three (3) acres.

14.05.16. Visibility Triangle at Intersections

- 1. On a corner lot in any district, except in the General Industrial District [I] and General Commercial District [GC] nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines twenty-five feet (25') from the point of the intersection.
- 2. On any corner lot in the General Industrial [I] and General Commercial [GC] districts, nothing shall be erected, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and a half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines fifty feet (50') from the point of the intersection.

14.05.17. Fences, Walls and Hedges

Notwithstanding other provisions of these regulations, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one half feet (2½') in height. A chain link, decorative, or similar fence that permits clear visibility to the front yard may be permitted to a height of four feet (4').

14.05.18. Exception to Height Requirements

The height limitations contained herein do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

14.05.19. Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

14.05.20 Multiple single-family residential structures

Only one (1) single-family residential structure shall ordinarily be allowed on any one (1) lot or property. The Planning Commission may approve the location of not more than one (1) additional single-family residential structure on the same lot or property, provided that the secondary structure can comply with all relevant municipal and state codes for habitation, and placement of the structure complies with all siting requirements of the zoning district within which it is located. Requests for permission to locate such secondary residential structure shall be in accordance with the conditional use procedures at Section 14.07.04.

CHAPTER 14.06
BOARD OF ZONING ADJUSTMENT

Sections:

- 14.06.01 Creation and Appointment
- 14.06.02 Organization
- 14.06.03 Meetings
- 14.06.04 Powers and Duties
- 14.06.05 Notices and Fees

14.06.01. Creation and Appointment

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established. Membership of the Board shall consist of the members of the Mountain View Planning Commission. The term of office shall run concurrently with the term on the Planning Commission.

14.06.02. Organization

1. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman and vice-chairman who shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the Board and who shall receive such compensation from the City of Mountain View as may be affixed from time to time by the City Council.
2. Members of the Board may be removed from office by the agency that appointed them for cause upon written charges and after public hearing.

14.06.03. Meetings

1. Meetings of the Board shall be held at such times and at such place or places within the City of Mountain View as the Board may designate, and may meet at any time on call of the chairman.
2. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a. Time, date, and place of meeting
 - b. Names of members present
 - c. Citation, by number and description, of appeal or application
 - d. Pertinent facts of the case
 - e. Names of persons appearing and their interest in the case
 - f. Record of vote by name
 - g. Authority for decision (cite ordinance or statute) and reasons for conditions imposed. The minutes of the meeting shall be filed by the Secretary of the Board in the offices of the City and shall be public record.

3. The presence of a majority of the membership shall be necessary to constitute a quorum and the concurring vote of a majority of all members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning regulations, or to authorize a variance from such regulations.
4. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the date of the meeting, by mail or in person.
5. Meeting and Hearing Procedures

The Board shall establish procedures and by-laws for the conduct of meetings, hearings, public notices, etc.

6. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the enforcement officer from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the enforcement officer from whom the appeal is taken and on due cause shown.

14.06.04. Powers and Duties

1. Appeals

The Board shall 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 in part, said decision of the enforcement officer.

2. Variances

1. When a property owner can show that a strict application of the terms of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulations if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. The applicant for a variance must make a compelling case in justification of the requested variance and the Board must make a specific finding that the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property, as distinguished from mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan or these regulations.

The basis for claiming a practical difficulty or hardship must be based on a determination that a property of record on the date of passage of these regulations is characterized by either:

- a. exceptional narrowness, shallowness, depth or shape or;

- b. topographic or physiographic conditions or;
 - c. other extraordinary or exceptional situation or condition.
2. In granting a variance, the Board may impose such conditions as are necessary to protect the public health, safety or welfare, in accordance with the purpose and intent of the zoning regulations.
 3. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 4. Under no circumstances shall the Board grant a variance to allow a use expressly or by implication prohibited by the terms of this Code in the district involved.

14.06.05. Notices and Fees

1. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in Mountain View, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.
2. The appellant or applicant shall be required to pay a filing fee, in an amount to be set from time to time by ordinance of the City Council.

CHAPTER 14.07
ADMINISTRATION AND ENFORCEMENT

Sections:

- 14.07.01 Enforcement Officer
- 14.07.02 Permits Required
- 14.07.03 Amendments
- 14.07.04 Conditional Use Procedures
- 14.07.05 Complaints Regarding Violations
- 14.07.06 Penalty for Violation
- 14.07.07 Fees

14.07.01. Enforcement Officer

The provisions of this ordinance shall be administered and enforced by the enforcement officer, who shall be appointed by the Mayor. He or she may be provided with the assistance of such other persons as the Mayor or City Council may direct.

14.07.02. Permits Required

1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the enforcement officer. No permit shall be issued by the enforcement officer except in conformity with the provisions of these regulations.
2. All applications for building permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plans shall be kept in the office of the Enforcement Officer.
3. Upon satisfactory completion of construction, reconstruction or moving of any building, the enforcement officer shall issue a Certificate of Occupancy, which shall state that the building or proposed use of a building or premises complies with the provisions of these regulations. No building may be occupied nor any use initiated until a properly executed Certificate of Occupancy has been issued by the enforcement officer. It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued.
4. A Certificate of Occupancy may be revoked by the enforcement officer when it is found that the building or land does not conform to the use or condition in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offense and shall be punished as provided herein.

14.07.03. Amendments

1. Amendments to Text

- a. The City Council may recommend to the Commission revisions or amendments to the text of these regulations, or the Commission may on its own motion initiate amendments.
- b. Proposed amendments to the text shall be advertised in a newspaper of general circulation at least fifteen (15) days in advance of a public hearing to be conducted by the Commission. After the public hearing, the Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text.
- c. The City Council may:
 - 1. Return the proposed amendment(s) to the Commission for further study and recommendation; or,
 - 2. Deny the recommendation(s) of the Commission; or,
 - 3. Adopt by ordinance, in whole or in part, any recommended amendment(s) submitted by the Commission.

2. Amendment to the Official Zoning Districts Map

- a. Amendments to the Official Zoning Districts Map may be initiated by the City Council, the Commission, or one or more persons who own property for which a change in classification is requested.
- b. If an amendment to the Official Zoning Districts Map is requested by a property owner, such request shall be presented to the Secretary of the Planning Commission via an application in such form as the Commission shall require. At a minimum, the application shall be submitted to the Secretary by the property owner or his legally designated agent, providing information regarding the:
 - 1. legal description of the property(ies) involved;
 - 2. current zoning classification of the property(ies);
 - 3. zoning classification being requested for the property(ies);
 - 4. a statement explaining the reasons for requesting the proposed changes;
 - 5. a map displaying the property and other properties within 200 feet of the proposed change(s), including the names and addresses of all affected property owners; and,
 - 6. such other information as the Commission may reasonably require.
- c. Upon certification of a complete and accurate application, the Secretary shall:
 - 1. set a date for a public hearing;
 - 2. cause notice of the public hearing to be published in a newspaper of general circulation, at least one time fifteen (15) days prior to the hearing;
 - 3. post a sign or signs on the property(ies) for which a change in classification is requested. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time and location of the public hearing at which the request will be heard. The sign will be posted at least fifteen (15) days in advance of the public hearing, in such a manner as to be clearly and readily visible to adjoining properties; and,

4. notify all property owners within a two hundred foot (200') radius of the property(ies) boundaries. Such notice shall include, but not be limited to, information about the nature of the proposed zoning classification request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
- d. The Commission shall:
 1. conduct a public hearing, during which opponents and proponents of the proposed reclassification may speak. Prior to opening the hearing, the Commission shall be provided with evidence that all procedural requirements, including notification of affected property owners, have been satisfied;
 2. At a regular or called meeting following the public hearing, by majority vote of the entire Commission, deny or recommend approval, in whole or in part or in modified form, the proposed change in zoning classification.
 - e. If the Commission recommends approval of the request for a change in zoning classification, it shall submit a written recommendation to the City Council, stating the basis for its recommendation. A copy of this recommendation shall be provided to the applicant(s) within fifteen (15) days from the date of the decision.
 - f. The City Council, by majority vote, may:
 1. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 2. return the proposed change to the Commission for further study and recommendation; or,
 3. deny the recommended change.
 - g. If the Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why he or she considers the Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within ten (10) days after the date the Commission sends the written notice to the applicant.
 - h. An application for a change in zoning classification that has been denied by either the Commission or City Council will not be reconsidered by the Commission for a period of six (6) months of elapsed time from the date of final disapproval by either the Commission or City Council, unless the Commission determines through three-fourths (3/4) majority vote of the Commission that a substantial reason exists for waiving this mandatory waiting period.

14.07.04. Conditional Use Procedures

1. The Planning Commission shall hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of these regulations and to decide such questions as are involved in determining whether a conditional use should be granted, and to grant a conditional use with such conditions and safeguards as are appropriate under these regulations, or to deny conditional use when

not in harmony with the purpose and intent of these regulations. A conditional use shall not be granted by the Planning Commission unless and until:

- a. A written application for a conditional use is submitted indicating the section of these regulations under which the conditional use is sought and stating the grounds on which it is requested.
 - b. Notice shall be given at least seven (7) days in advance of public hearing in an official paper or a paper of general circulation in Mountain View. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at least seven (7) days prior to the public hearings;
 - c. The public hearing shall be held. Any party may appear in person, or be agent or attorney;
 - d. The Planning Commission shall make a finding that it is empowered under the section of these regulations described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
 - e. Before any conditional use shall be approved, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (1) The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.
 - (2) The size of the site is adequate for the proposed use.
 - (3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.
 - (4) The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
 - (5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
 - (6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
 - (7) The proposed use complies with the performance standards, parking requirements and other applicable provisions of this ordinance.
2. The decision of the Planning Commission, with respect to any application for a conditional exception, shall be final, unless an appeal is made to the City Council within ten (10) days after the Planning Commission's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk.
 3. Whenever an application for a conditional use is made to the Planning Commission, the Commission shall cause to have published at the expense of the applicant a notice of the public hearing as prescribed in (b) above. In addition, the applicant shall be required to pay a filing fee, the amount of which may be established from time to time by the City Council, no part of which is refundable.

14.07.05. Complaints Regarding Violations

1. If the enforcement officer shall find that the provisions of these regulations are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
2. Should the person responsible for such violations fail to take the necessary action to correct it, the enforcement officer shall notify the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.
3. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the enforcement officer. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

14.07.06. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred (\$100) dollars. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.