

City of Dover, Arkansas Zoning Ordinance

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CITY OF DOVER, ARKANSAS ZONING ORDINANCE

ARTICLE I

CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCES

SECTION 1

CITATION

This Ordinance, in pursuance of the authority granted by the General Assembly of the State of Arkansas in Act 186 of the 1957 Acts of Arkansas, shall be known as the Zoning Ordinance and may be cited as such.

SECTION 2

PURPOSE

The Zoning Regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Dover and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Dover, Arkansas, and to provide for efficiency and economy in the process of development for the appropriate and best use of land, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

SECTION 3

NATURE AND APPLICATION

For the purposes hereinbefore stated, the City has been divided into zone 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. In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be 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 articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the Dover Planning Commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable land use zoning district of this Ordinance.

SECTION 4

COMPLETION OF EXISTING BUILDINGS

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of this Zoning Ordinance. 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 this Ordinance, provided construction is started on said building within sixty (60) days after adoption of this Zoning Ordinance.

City of Dover, Arkansas Zoning Ordinance
ARTICLE I
CITATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCES

SECTION 5

LOT OF RECORD

Any lot or parcel of vacant land in any zoning district that was under separate ownership and on a plat of record at the time of adoption of this Zoning Ordinance, where no adjoining land fronting on the same street was under the same ownership on the said date, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the zoning district. On any such lot or parcel, the side yard requirements of this Ordinance shall be complied with if said requirements do not reduce the net buildable width of the lot below 35 feet. If the side yard requirements would reduce the net buildable width of the lot below 35 feet, then the side yard requirements shall be reduced so that (a) any interior side yard requirement shall not exceed 30% of the width of the lot or 10 feet, whichever is greater. On any such lot or parcel, the front and rear yard requirements or building setbacks shall not reduce the net buildable depth of the lot below 50 feet. If the front and rear yard requirements would reduce the net buildable depth below 50 feet, then front and rear yard requirements shall be reduced so that (a) any front yard requirement shall not exceed 25% of the depth of the lot, and (b) any rear yard requirement shall not exceed 20% of the depth of the lot, or 20 feet, whichever is greater.

Section 6

AREA NOT TO BE DIMINISHED

The lot or yard areas required by this Zoning Ordinance for a particular building or use at the time of adoption of this Ordinance or later constructed or established, shall not be diminished and shall not be included as 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 this Ordinance 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 this Ordinance.

SECTION 1

City of Dover, Arkansas Zoning Ordinance
ARTICLE II
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

ZONING DISTRICTS ESTABLISHED

For the purpose of this Zoning Ordinance, the City is hereby divided into land use zoning districts, as follows:

R-1	Single-Family Residential
R-2	Low Density Residential
R-3	Medium Density Residential
R-4	Mobile Home Residential
C-1	Central Business District
C-2	Neighborhood Commercial and Quiet Business
C-3	Highway Commercial
C-2 (SP)	Neighborhood Commercial - Special Permit Uses
I-1	Light Industrial
I-2	General Industrial
A	Agriculture
FP	Flood Plain

SECTION 2

ZONING DISTRICTS MAP

The location and boundaries of the land use zoning districts established by this Ordinance are bounded and defined as shown on the attached map designated as "Official Zoning Map". The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of this Zoning Ordinance and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by the general public at all reasonable times as any other public record.

SECTION 3

INTERPRETATION OF DISTRICT BOUNDARIES

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

- (A) Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (C) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (D) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
- (E) In circumstances not covered by the preceding rules, the Dover Planning Commission shall interpret the district boundaries.

City of Dover, Arkansas Zoning Ordinance
ARTICLE II
ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

SECTION 4

CLASSIFICATION OF ANNEXED LANDS

All new additions and annexations of land to the City shall come in as Agricultural (A) unless requested by the partitioner or the City Council to classify the lands otherwise for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said addition or land area.

Within this one-year period of time, the City Council shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the City's comprehensive development plan, and upon receipt of such recommendation, the City Council shall, after the public hearing as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the City Council from holding public hearing prior to annexation and establishing the district classification at the time of said annexation.

SECTION 5

VACATION OF PUBLIC EASEMENTS

When any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

SECTION 1

RESIDENTIAL DISTRICTS

A. General Description

The regulations for the residential zoning districts are designed to (1) protect the residential character of the included areas by excluding commercial and industrial activities, (2) encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds, (3) permit certain community facilities and public utilities for the convenience and general welfare of the people, and (4) preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, open spaces, and site areas. There is herein established four residential zoning districts which include the R-1 Single-Family Residential, R-2 Low Density Residential, R-3 Medium Density Residential, and R-4 Mobile Home Residential. The more specific description of these districts is indicated below.

1. R-1 Single-Family Residential - This is the most restrictive residential district. The principal use of land is for detached single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
2. R-2 Low Density Residential District - This is a residential district to provide for a slightly higher population density and a greater diversity of housing types, but with basic restrictions similar to the R-1 district. The principal use of land is for single-family attached and detached structures, two-family, and townhouse developments which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities, thereby resulting in relatively low gross densities.
3. R-3 Medium Density Residential District - This is a residential district to provide for medium density dwellings and includes a wide variety of housing types. The principal use of land is for single family, two-family dwellings, townhouses, multiple family dwellings, and rooming or boarding houses. Recreational, religious and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.
4. R-4 Mobile Home District - This district recognizes a specific housing type which must be accommodated in the City of Dover in either rental park settings or in subdivisions which provide for ownership of structure and lot. It is the intent of this district that it be located so as to not adversely affect the established residential development patterns and densities in the City. Such locations, however, shall have necessary public utilities, community facilities, and other public services in order to provide a healthful living environment with the normal amenities associated with residential districts of the City.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

B. Uses Permitted

The permitted uses in the residential districts are set forth below. Where the letter "X" appears opposite a permitted use and underneath a residential zoning district, the listed use is permitted in that district subject to:

- (1) The providing of off-street parking in the amount required,
- (2) Conformance to the special conditions applying to certain uses as set forth in Article V,
- (3) The providing of adequate subdivision sites for the appropriate and designed type of dwelling unit or units.

Where the letters "SP" appear instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV.

C. Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc., shall meet the most restrictive area, yard and height requirements listed below for the zone in which they are located.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

TABLE 1				
ZONING DISTRICT				
PERMITTED USES	R-1	R-2	R-3	R-4
Single-Family Detached	X	X	X	
Single-Family - Manufactured Home			X	
Single-Family - Zero Lot Line (Note 1)		SP	X	
Single-Family Attached		X	X	
Two-Family Dwellings		X	X	
Multiple-Family Dwellings			X	
Manufactured Home – Subdivision			X	
Manufactured Home – Individual			X	
Mobile Home & RV Parks				X
Mobile Home – Individual				X
Rooming or Boarding House			X	
Church or Other Place of Worship	X	X	X	X
Club or Lodge, Private		SP	SP	
Community Building			SP	X
Hospital, Health Center, Institution for Aged or Children			SP	X
Nursing or Rest Home			SP	
Offices, Professional			SP	SP
Park or Recreational Facility	X	X	X	X
School, Nursery or Day Care for Children, subject to Art. V, Sec. 2			SP	SP
School, Public or Parochial				SP
Field Crops, Gardens non-commercial	X	X	X	X
Accessory Uses as defined in Art. X that are accessory to the permitted uses in these districts	X	X	X	X
Note (1) - Zero Lot Line developments will be allowable only on land parcels of 20,000 sq. ft. or more.				

City of DOVER, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

TABLE 2													
Z O N I N G	D I S T R I C T	USE	Lot Area (Sq. Ft)	Lot Area Per Family	Lot Width At Bldg. Line	Lot Coverage Max. #	F R O N T	SIDE YARD		REAR YARD		MAXIMUM HEIGHT	
								INTERIOR	EXTERIOR	CORNER LOT		STORIES	FEET
										SINGLE FRONT	DOUBLE FRONT		
R-1		S. F. Detached	10,000	10,000	80	25	25	7 ½	15	15	25	2 ½	35
R-2		S. F. Detached	7,500	7,500	50	25	25	6	15	15	25	2 ½	35
		S. F. Attached	7,500	7,500	45	30	25	10 b	15	15	25	2 ½	35
		S. F. Zero Lot	4,000	4,000	40	35	25	10 a	15	15	25	2 ½	35
		Duplex	7,500	3,750	70	30	25	8	15	15	25	2 ½	35
		Townhouses	4,500 c	4,500 c	16 d	40	20	8 b	15	15	25	2 ½	35
R-3		S. F. Detached	5,000	5,000	50	25	20	5	15	15	25	2 ½	35
		S. F. Manufactured	5,000	5,000	50	25	20	5	15	15	25	2 ½	35
		S. F. Attached	5,000	5,000	40	35	20	7 b	15	15	25	2 ½	35
		S. F. Zero Lot	3,800	3,800	35	40	20	7 a	15	15	25	2 ½	35
		Duplex	8,000	4,000	60	35	20	7	15	15	25	2 ½	35
		Townhouses	4,500 c	4,500 c	16	50	20	7 b	15	15	25	2 ½	35
		Multi-Family	10,000	2,500	70 e	40	20	10	15	15	25	2 ½	35
R-4		M. H. Subdivision	5 acres	5,000	45	30	20	10	15	15	20	1	15
		M. H. Park	2 acres	4,000	40	30	20	10	15	15	20	1	15
		R. V. Park	2 acres	1,500	25	30	20	5	10	10	15	1	15
Notes:													
a. This shall be a minimum side yard requirement on one side of the dwelling. This allows for each detached dwelling unit to be "offset" on the lot to create a more usable side yard. However, where lots are platted for zero lot line use, any lot located adjacent to any other residential zone or use must provide for a side yard of at least 8 feet on the side directly abutting the other zone.													
b. For unattached sides only.													
c. This area includes both private and common area.													
d. When a side yard is required, the lot width shall be increased by an amount equal to the width of the required side yard.													
e. Minimum lot width shall be increased by ten feet (10 ft.) for each dwelling unit exceeding four, up to a maximum required width of two hundred (200 ft).													

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

SECTION 2

COMMERCIAL DISTRICTS

A. General Description

Commercial zoning districts are intended primarily for the conduct of business and the provision of services essential to support the residents within the City and the surrounding area. Four separate commercial districts are established to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Dover. These include the C-1 Central Business District, the C-2 Neighborhood Commercial and Quiet Business District, the C-3 Highway Commercial District, and the C-2 (SP) Neighborhood Commercial-Special Permit Uses District.

1. C-1 Central Business District - This district is designed to be the Central Business District or the downtown shopping and employment area for the community and surrounding trade area. This district is designed to accommodate retailing of all kinds, professional offices, financial institutions, transient facilities, amusement facilities, and limited wholesaling and warehousing.
2. C-2 Neighborhood Commercial and Quiet Business District This district is intended to accommodate quiet businesses, professional offices and medical and dental clinics together with specified institutional and accessory uses. These essentially include facilities which can be located adjacent to or combined with multi-family residential uses without undue harmful effects to the residential uses and adjacent areas.
3. C-3 Highway Commercial District - This district is intended to provide space for certain retail and business activities and primarily serves the motoring public. This district will specifically provide for certain commercial uses that do not provide for certain commercial uses that do not need to be in shopping areas or the Central Business District or which are inappropriate in such areas. It is characterized by establishments such as motels, drive-in restaurants, automobile-related facilities, and other activities of this nature.
4. C-2 (SP) Neighborhood Commercial - Special Permit Uses - This district is intended to accommodate the neighborhood-type commercial uses of the C-2 zone with selected highway-oriented uses characteristic of the C-3 zone. Thus, this commercial district is located along major thoroughfares or highways and outlying from the Central Business District, areas where the need for buffering residential uses is not very pronounced.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

B. Permitted Uses

The permitted uses in the Commercial districts are set forth in Table 3. Where the letter "X" appears opposite a permitted use and underneath a Commercial zoning district, the listed use is permitted in that district subject to:

1. The providing of off-street parking in the amount required (except for the C-1 Central Business District);
2. Conformance to the special conditions applying to certain uses as set forth in Article V; and
3. The providing of off-street loading in accordance with Article VI, Section 2
4. **Placement of signs and Billboards. The Placement of Signs or Billboards Next to State Highway & Transportation Roads must comply with the State Rules and Regulations.**

Where the letters "SP" appears instead of an "X", this use is permitted subject to acquiring a Special Use Permit as set forth in Article IV.

C. Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth in Table 4. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following table.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

TABLE 3				
PERMITTED USES	ZONING DISTRICT			
	C-1	C-2	C-3	C-2 (SP)
Amusement Facility Commercial	X		X	SP
Antique or Gift Store	X	X	X	X
Appliance Sales and Service	X	SP	X	SP
Automotive Accessory and Supply Store	X	SP	X	SP
Automotive and Truck Sales (New and Used) and Service			X	SP
Automotive Body Shop			X	SP
Automotive Car Wash			X	SP
Automotive Service Stations, not including body or motor repair or painting		SP	X	SP
Bank, Savings and Loan	X	X	X	X
Barber or Beauty Shop	X	X	X	X
Clinic, Dental, Medical, Osteopathic, Chiropracist, Pharmacy	X	X	X	X
Clinic, Veterinary			SP	SP
Club or Lodge	X	SP	X	SP
Drug Store	X	SP	X	SP
Dry Cleaners & Laundry	X		X	SP
Eating Place, which does not provide service in automobile(with interior dining facilities	X	X	X	X
Eating Place Providing Service in Automobiles			X	SP
Florist Shop and Greenhouse	X	SP	X	SP
Funeral Home, Mortuary or Undertaking Establishment	X		X	SP
Hotel	X		X	SP
Motel	X		X	SP
Single-Family Detached		X	SP	X
Multi-Family Residential		X	SP	X
Rooming House	X		SP	SP
Mobile Home - Individual			SP	SP

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

TABLE 3				
PERMITTED USES	ZONING DISTRICT			
	C-1	C-2	C-3	C-2 (SP)
Offices: Professional	X	X	X	X
Public Buildings and Facilities	X	SP	X	SP
Retail Establishments with No Outside Display	X	SP	X	SP
Retail Establishments - Other	X		X	SP
School, Nursery or Day Care		SP	X	SP
Studio, Photographic, Musical	X	X	X	X
Theater, Indoor	X		X	SP
Warehousing, inside storage only	X		X	SP
Wholesale Establishment	X		X	SP
Accessory Uses to Permitted Uses	X	X	X	C
Signs or Billboards	X	X	X	X

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

TABLE 4

ZONING DISTRICT

YARD REGULATIONS (IN FEET)	C-1	C-2	C-3	C-2 (SP)
Minimum Lot Area (Square Feet)	2,500	5,000	5,000	5,000
Minimum Lot Width at Building Line (Feet)	25	50	50	50
Maximum Lot Coverage (Percent)	100	40	50	45
Minimum Front Yard	None	25	25	25
Minimum Rear Yard	None	25	25	25
Minimum Side Yard				
Interior				
a) When abutting property in residential district	10	15	20	20
b) When abutting property in non-residential district	None	10	10	10
Exterior	None	20	15	15
HEIGHT REGULATIONS				
Maximum Number of Feet	55	30	35	35
Maximum Number of Stories	5	2	3	3

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

SECTION 3

INDUSTRIAL DISTRICT

A. General Description

The industrial districts are intended to provide areas where manufacturing and industrial activities can take place. They are intended to provide space for manufacturing, wholesaling, warehousing, processing, storage, assembling, packaging, and similar types of industrial uses and activities. These industrial districts consist of the following:

1. I-1 - Light Industrial District - This industrial use district represents the industrial park areas and also areas suitable for the location of industries which place a heavy emphasis on aesthetics and public relations as evidenced by the nature of their operations which is not detrimental to nearby residential and quiet business districts and by their allocation of an ample amount of the site for landscaping, paved off-street parking, and setbacks from surrounding property lines.
2. I-2 - General Industrial District - This industrial district is intended for general and customary industrial uses and activities as listed above in association with the I-1 district, but including also the bulk storage of liquids and solids outside of buildings and in the open spaces and the storage and assembly of goods and materials in the open areas outside enclosed buildings.

B. Permitted Uses

The permitted uses in the industrial districts are set forth below.

1. I-1 - Light Industrial District - Property and buildings in the I-1 Industrial District shall be used only for the following purposes.
 - (a) Manufacturing, compounding, processing, packaging, and/or assembling of products which, by the nature of the operation, does not produce noise, dust, odor, or vibration that is detrimental or dangerous to the health, safety, or general welfare of the community.
 - (b) Any business, commercial, or industrial uses which do not create unusual hazards of fire, explosions, noise, vibration, dust, or the emission of smoke, odor or toxic gases. No use which would involve the manufacture, processing, or storage of any material or goods which has a high hazard of fire, explosion, or of a toxic nature shall be permitted as a use by right in the I-1 Light Industrial District.
 - (c) Certain uses permitted in the C-3 Highway Commercial District by right, namely automotive accessory and supply store, automotive body shop, automotive car wash, dry cleaners and laundry, florist shop and greenhouse, professional offices, nursery or day care center, photographic or musical studio, warehousing with inside storage only, wholesale establishment, and accessory uses; and other selected uses by special

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ARTICLE III

SPECIFIC DISTRICT REGULATIONS

permit, namely public buildings and facilities, automotive and truck sales and service, and automotive service station.

- (d) Dwellings for resident watchmen and caretakers employed on the premises.
- (e) Placement of Signs or Billboards as stated in Section 10**

2. I-2 - General Industrial District - Property and buildings in the I-2 Industrial District shall be used only for the following purposes:

- (a) Permitted uses in the I-1 Light Industrial District as stipulated above in Subsection B.1 except the uses so permitted by virtue of their being permitted in a C-3 Highway Commercial District and specifically listed in paragraph (c) of Section B.1 are not permitted in the I-2 Industrial District.
- (b) Uses or activities which involve in addition to customary and normal manufacturing and industrial processes the storage of bulk materials when it is found that the specific location and the safeguards provided so reduce the danger from fire or explosion as not to be dangerous to the health, safety, or general welfare of the community and especially nearby properties.
- (c) While the permitted uses described above in Sub-paragraphs (a) and (b) are permitted in the I-2 District by right, the following provisions pertain to extraordinary situations and those which do not mesh with the stipulations and regulations prescribed above in this subsection. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Dover or the State of Arkansas, be located in the I-2 Industrial District only after the location and nature of such use shall have been approved by the City Council after public hearing and report by the Planning Commission as normally required and provided in Article IV. The City Council shall review the plans, specifications and statements and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, morals 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, specifications and statements, may consult with other agencies created for the promotion of public health and safety, and may attach such special conditions or safeguards, as it deems necessary to protect the public interest, health and safety. With regard to the situations described herein, the approval of the Planning Commission and the City Council shall be in accordance with the stipulations and requirements pertaining to special permit uses as contained in Article IV. This means that the use so allowed is not by right but rather by special permit.

These are the permitted uses in the two industrial districts.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

C. Area Regulations

The following area regulations apply to uses and activities located in the two industrial districts.

1. I-1 Light Industrial District - The following area requirements apply to all properties, activities and uses in the I-1 Light Industrial District:
 - (a) All structures shall be built at least forty (40) feet from the front property line and twenty-five (25) feet from all other property lines.
 - (b) Maximum lot coverage shall not exceed thirty-five percent (35%) of the lot area.
 - (c) The maximum height of a structure shall be two (2) stories or thirty-five (35) feet.
 - (d) Off-street parking and loading shall be provided in accordance with the regulations contained in Article VI.

2. I-2 - General Industrial District - The following area regulations shall apply to all properties, buildings and uses located in the I-2 General Industrial District.
 - (a) All structures shall be built at least twenty-five (25) feet from all property lines.
 - (b) Buildings and structures shall not exceed fifty percent (50%) of the lot area.
 - (c) The maximum height of a structure shall be three (3) stories or forty-five (45) feet.
 - (d) Off-street parking and off-street loading shall be provided in accordance with the regulations contained in Article VI.
 - (e) All bulk storage of goods or materials must be located within the confines of structures, or enclosed entirely by a sight-proof fence not less than six (6) feet nor more than eight (8) feet in height so that said goods or materials may not be seen from the street or any adjacent property. The fence, construction materials and design must be approved by the Planning Commission.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

SECTION 4

AGRICULTURAL DISTRICT

A. General Description

This district is intended to preserve and maintain the open character of designated areas by discouraging urban development and encouraging the pursuit of an agricultural livelihood and to be utilized to maintain agricultural activities on land suited to future urban development pending proper timing and economical provision of public utilities and community facilities needed to ensure orderly residential development. The uses permitted in the Agricultural District are intended to accommodate normal farming, forestry and gardening activities, along with rural residences. It is anticipated that property in the Agricultural District may be changed to urban zone classifications as development occurs. Agricultural zoning within the present city limits can only be re-zoned at the request of the owner or his heir's.

1. Permitted Uses

Residences related to agricultural activity, Public buildings, and Utility substations, agricultural activity such as farming, dairying, livestock and poultry production, outdoor plant nurseries, truck farming horticulture and stands for the sale of agricultural products.

2. Uses Permitted Upon Review of the Planning Commission

Veterinary clinic, riding stables, Country Clubs, Manufactured homes. No commercial feed lots will be permitted on review.

3. Lot Area and Width

The minimum lot area shall be two and one-half acres with a minimum width of two hundred (200) feet.

4. Yard Requirements

Each lot shall have as a minimum yard in the front, side and rear fifty (50) feet between the building and the property line.

5. Structure Coverage and Bulk and Height Requirements

The area covered by structures including accessory uses shall not exceed 30 percent of the total lot area. There shall be no bulk and height requirements.

6. Parking and Loading

Provisions for adequate off-street parking and maneuvering of vehicles on private property shall be made. Loading and unloading facilities for livestock, crops or other agricultural goods must be a minimum of twenty-five (25) feet from the street right-of-way.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

7. Sign

Signs shall not exceed sixteen (16) square feet in area.

8. Other Conditions

No storage of manure, or other odor or dust producing materials shall be permitted within one hundred (100) feet of any adjoining property line.

SECTION 5

FLOODPLAIN DISTRICT

A. General Description

This district is designed to provide for the appropriate use of lands subject to flood hazard; to minimize flood damage; to protect the property of persons in the community; to protect public health safety and welfare; and to reduce the burden on the City and its inhabitants and property owners by eliminating or reducing the need for construction of flood control improvements that would be required if scattered and unplanned development is permitted to occur.

1. The floodplain areas within the jurisdiction of the City of Dover are hereby defined as those found in the Flood Hazard Boundary maps prepared by the U.S. Army Corps of Engineers or appropriate agency having authority.
2. The above-mentioned maps together with all explanatory matter thereon and attached thereto are hereby adopted and incorporated herein by reference, as if fully set forth.

B. Interpretation of District Boundaries

The boundaries of the Floodplain (FP) Districts shall be determined from the aforementioned flood hazard boundary maps. Where interpretation is needed as to the exact location of the boundaries of the district shown on the flood hazard boundary map, the Board of Adjustment shall make the final determination. In making such a determination, the Board shall accept the engineering data of a registered professional engineer unless conflicting engineering data is proved to be correct.

C. Permitted Uses

1. Agricultural uses such as general farming, dairying livestock and poultry raising, hatcheries, outdoor plant nurseries or truck farming.
2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, open space parks, hiking and horseback riding, and game farms.

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ARTICLE III

SPECIFIC DISTRICT REGULATIONS

3. Industrial-commercial uses such as drive-in theaters, signs and billboards, railroads, streets, bridges, utility transmission lines and pipelines, equipment storage yards, machinery or materials, off-street parking.
4. Residential uses such as lawns, gardens, parking areas and play areas.

D. Uses Permitted Upon Review By The Planning Commission

The following may be permitted upon review by the Planning Commission.

1. Industrial bulk storage areas
2. New and used car lots
3. Other uses deemed consistent with the purposes of this zoning classification.

E. Procedure For Review Of Special Uses By Planning Commission

Requests for special uses will be reviewed by the Planning Commission in the following manner.

1. At least fifteen (15) days prior to the Planning Commission meeting at which the request is to be considered, plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing, water supply, and sanitary facilities shall be transmitted to the Planning Commission.
2. At least fifteen (15) days prior to the Planning Commission meeting at which the request is to be considered, the applicant shall, by Certified Mail and at his own expense, notify all owners of property within 200 feet of the property on which the special use is to be located, of the proposed use to be requested and the date, time, and location of the meeting at which the request will be reviewed by the Planning Commission.
3. The Planning Commission shall transmit the information to a designated engineer or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, and the adequacy of plans for protection.
4. Based upon the evaluation, the Planning Commission shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

F. Prohibited Uses

In the "FP" Floodplain District, the storage or processing, above ground, and the storage, below ground, of materials or fuel which are flammable or explosive or which could otherwise be injurious to human, animal, or plant life in time of flood shall be unlawful.

City of Dover, Arkansas Zoning Ordinance

ARTICLE III

SPECIFIC DISTRICT REGULATIONS

G. Lot Area And Lot Width

Depending upon the nature of the special use permitted, the provisions of the zone in which the permitted special use would normally be located shall apply.

H. Yard Requirements

Depending upon the nature of the special use permitted, the provisions of the zone in which the permitted special use would normally be located shall apply.

I. Bulk And Height

Depending upon the nature of the special use permitted, the provisions of the zone in which the permitted special use would normally be located shall apply.

J. Structure Coverage

Depending upon the nature of the special use permitted, the provisions of the zone in which the permitted special use would normally be located shall apply.

K. Parking And Loading

Depending upon the nature of the special use permitted, the provisions of the zone in which the permitted special use would normally be located shall apply.

L. Signs

Signs shall be placed in a manner which will not restrict the flow of floodwaters.

M. Other Conditions

If special elevated construction is authorized, structures shall be constructed on fill so that the first floor is above the regulatory flood-protection elevation. The fill shall be at a point no lower than one foot (1') above the regulatory flood protection elevation for the particular area beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect any capacity of channels or floodways of any tributary of the main stream, river or bayou, drainage ditch, or any other drainage facility or system.

City of Dover, Arkansas Zoning Ordinance

ARTICLE IV

SPECIAL PERMIT USES

SECTION 1

NATURE AND DESCRIPTION

Certain uses may or may not be appropriately located within various districts throughout the City of Dover due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary, to protect the character and integrity of the area in which uses are herein as "special permit uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein.

SECTION 2

USES

A. Uses Restricted to Specific Districts

Uses which are listed in various districts as "special permit uses" may be located only in the district or districts so designated in Sections 1 and 2 of Article III and in accordance with the procedure described herein in Section 3.

B. Uses Permitted in Any District

The following special uses may be authorized in any district in accordance with the procedure described herein in Section 3:

- (1) Cemetery or mausoleum
- (2) Greenhouse or nursery
- (3) Hospital or sanitarium
- (4) Public utility structure

SECTION 3

PROCEDURE FOR AUTHORIZING

The following procedure is established to integrate properly the special permit uses with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- A. An application shall be filed with the City Planning Commission for review. Said application shall include site plans that show the location and intended use of the site and existing land uses within 200 feet and any other material or information pertinent to the request which the Planning Commission may require.

City of Dover, Arkansas Zoning Ordinance

ARTICLE IV

SPECIAL PERMIT USES

- B. The City Planning Commission shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Dover. The Public Notice shall give the particular location of the property and the type of use for which the permit is requested. Additionally, the petitioner shall post on the property in a conspicuous location a sign provided by the City Building Inspector which shall notify the general public of the proposed use and the public hearing, date, time, and place.
- C. In considering an application for a Special Use Permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. The Planning Commission may deny an application for a Special Use Permit, or, in granting such a permit, may impose such requirements and conditions with respect to location, construction, maintenance and operations as it may deem necessary for the protection of adjacent properties and the public interest.
- D. ***Special use permits shall have an expiration date assigned which is no longer than three (3) years. This expiration date should be assigned by the Planning and Zoning Commission when the Special Use Permit is considered. The Special Use Permit may be renewed by an approved motion of Planning and Zoning Commission if all requirements of the Special Use Permit are met and the property owner requests that the renewal be made. The property owner shall be notified by the Planning and Zoning Commission Secretary sixty (60) days prior to the expiration of the Special Use Permit. The property owner will have up to thirty (30) days after the expiration date to apply in writing to renew the Special Use Permit. If a request in writing is not received within thirty (30) day after the expiration date the property will revert back to it previous zoning classification and the owner will be notified of non-conformance in usage of the property. If the Special Use Permit is allowed to expire, a new request process must be initiated.***

SECTION 4

FEES

Before any action shall be taken as provided in this section, the petitioner shall deposit with the City the sum of fifty dollars (\$50.00), and under no condition shall said sum or any part thereof be refunded for failure of said permit to be approved by the Planning Commission.

City of Dover, Arkansas Zoning Ordinance

ARTICLE V

SPECIAL PROVISIONS

SECTION 1

ACCESSORY BUILDINGS

1.
 - A. An accessory building may be built within a required rear yard when located at least five (5) feet from both the rear and the side lot line, is not located within any public and utility easements, and when occupying not more than thirty percent (30%) of the area of such required rear yard.
 - B. An addition of a detached accessory dwelling for occupancy of not more than two (2) people for additional family use shall require a permit.
 - C. Such detached accessory dwelling shall meet building requirements of those designed for Mini Dwellings as derived from the 2015 International Property Maintenance Code and further described herein. Except for the requirement to be built in a Mini Dwelling Subdivision, accessory dwellings shall be stick constructed on a permanent foundation and must follow all current electrical, mechanical, plumbing and construction codes. It must be a unit occupied by no more than two (2) family members and contain at least two hundred (200) square feet of free living area for living room, kitchen, and dining area; a separate bedroom containing at least one hundred (100) square feet of free area and be no narrower than seven (7) feet in any direction; and a separate bathroom containing at least forty-five (45) square feet clear area with a water closet, lavatory, and a bathtub or shower. The accessory dwelling shall contain a minimum of four hundred (400) square feet of free area, exclusive of outside walls.
2. An accessory building is a subordinate building or a portion of a main building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as, the use of the main building or principal use of the land. When "accessory dwelling" is used in the text, it shall have the same meaning as "accessory building". An accessory use is one that is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

SECTION 2

CHILDCARE CENTERS

Child care centers, when authorized under special permit uses in residential districts, shall meet the following provisions:

City of Dover, Arkansas Zoning Ordinance

ARTICLE V

SPECIAL PROVISIONS

- A. The center shall be located in a single-family dwelling, which is the permanent residence of the operator and shall be operated in a manner that will not change the character of the residence.
- B. The dwelling shall be located on a lot having not less than six thousand (6,000) square feet of area, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence not less than six (6) feet in height.
- C. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the center shall be operated in a manner that will not adversely affect other properties and uses in the area.

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

SECTION 3

FENCES

An ornamental fence, hedge, or wall not more than three and one-half (3 1/2) feet in height may project into or enclose any required front or side yard. Ornamental fences, hedges, or walls may project into the side yard from the front building line of the structure to the rear lot line, provided such fence and walls do not exceed a height of eight (8) feet.

SECTION 4

FLAMMABLE LIQUIDS AND GASES

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

City of Dover, Arkansas Zoning Ordinance

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SPECIAL PROVISIONS

SECTION 5

HEIGHT REQUIREMENTS

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

Public, semi-public service buildings, hospitals, institutions, churches and schools, when permitted in a district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified height limit.

SECTION 6

HOME OCCUPATIONS

An occupation may be carried on in a residential structure in a residential zone only if the following are complied with:

- A. It does not involve the use of commercial vehicles operating from the residence.
- B. It does not require the use of more than two (2) rooms otherwise normally considered as living space.
- C. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
- D. It does not have a sign in excess of two (2) square feet to denote the business, occupation or profession, and such sign must be attached to the residential structure.
- E. It does not involve the external display of goods and services.
- F. The occupation must be carried on only by the occupant family of said residence.
- G. Adequate land area to provide off-street parking shall be approved by the Planning Commission.

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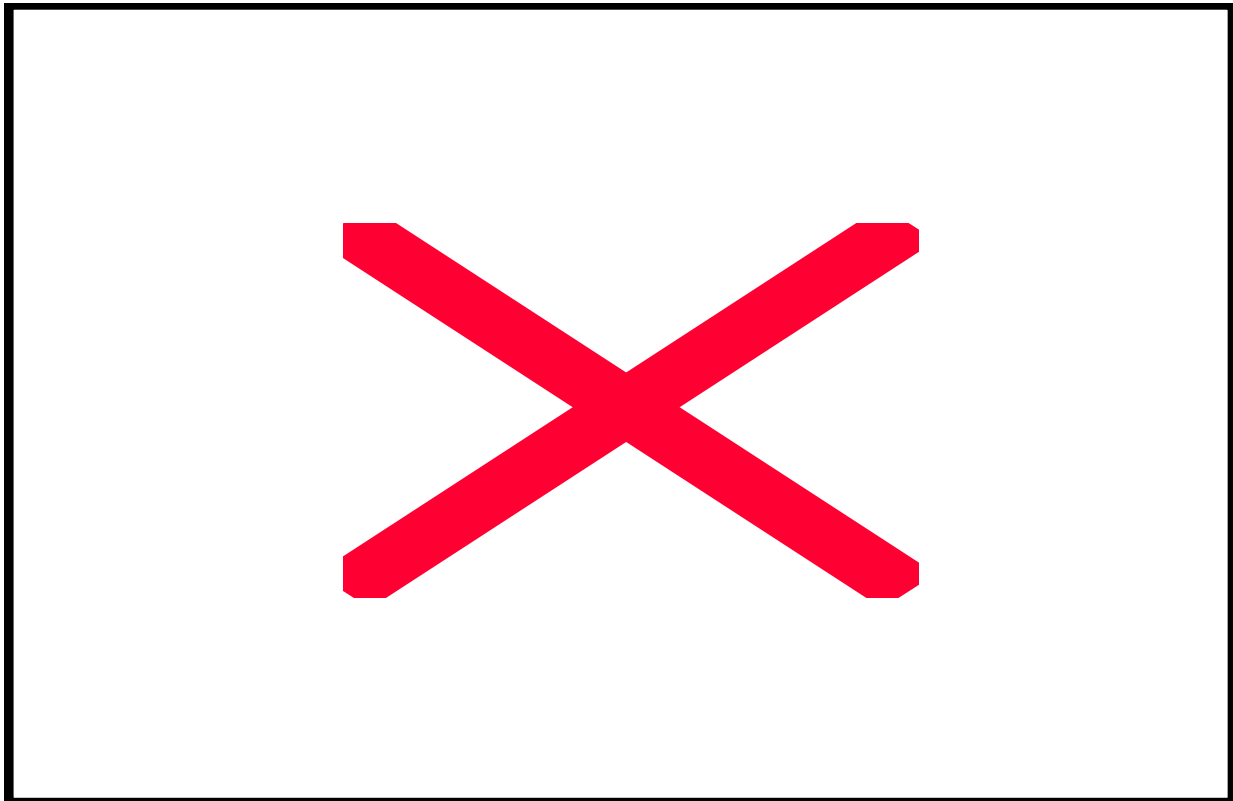
ARTICLE V

SPECIAL PROVISIONS

SECTION 7

VISIBILITY AT INTERSECTIONS

On a corner lot on which a front yard is required, 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 one-half (2 1/2) feet and ten (10) feet above the center line grade of the intersecting street in the area bounded by the street right-of-way lines (not curb lines but the rights-of-way lines which are also the property lines) of such corner lot and line joining points along said streets rights-of-way lines twenty-five (25) feet from the point of intersection. Graphic illustration of this requirement is provided by the following:



SECTION 8

SERVICE STATION PUMPS

Service station pumps and pump islands may occupy the required yards provided, however, that they are not less than fifteen (15) feet from all property lines.

City of Dover, Arkansas Zoning Ordinance

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SPECIAL PROVISIONS

SECTION 9

STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES

- A. Commercial vehicles and trailers of all types, including travel, camping and hauling and mobile homes shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:
- (1) Not more than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products or other hazardous waste be permitted.
 - (2) No trailer (either camping, hauling, travel, or other type) shall be parked or stored for more than one week unless said trailer(s) is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits. (Exception is made for visitors on vacation visiting with family & friends.)

SECTION 10

SIGNS AND BILLBOARDS

All signs, billboards, or other advertising structures shall comply fully with the provisions of this Ordinance and all other sign control regulations established by the City of Dover.

SECTION 11

R.V. PARKS

An R.V. Park as defined in this Ordinance may be established as a commercial enterprise for short-term transient occupants in C-3 zones only. There is no minimum area which may be developed or used for the purpose of an R.V. Park, but the site should be well drained and properly graded in order to insure rapid drainage and freedom from stagnant pools of water. Because of the variety of different sizes and lengths of individual units, there is no maximum density requirement for R.V. Parks. However, all RVs shall be separated from each other and from other structures by a distance of at least fifteen (15) feet. Any accessory structures such as attached awnings and carports shall, for purposes of the separation requirement, be considered to be part of the R.V.

Plans for a commercial R.V. Park shall be submitted to the administrative official for approval and issuance of a building permit. The plot plans submitted shall include and clearly indicate, at a minimum, the following:

- A. Adequate space dimensions to accommodate the different sizes of expected vehicles.
- B. Street and access roads located within the R.V. Park.

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- C. Set of plans for the service building which shall house an approved number of restrooms, lavatories, showers, and other sanitary facilities as the Arkansas Dept. of Health may require for the number of spaces available in the park.
- D. Water and sewer facilities to accommodate each R.V. space.
- E. Electrical master fuse or breaker panel, and receptacles in compliance with National Electrical Code.
- F. Sanitation containers deployed at intervals.
- G. Meet State & local fire codes.
- H. Letter of approval from Arkansas Dept. of Health.

Upon determination that the submitted plans and information complies with all the standards described above and with all other applicable ordinances that are in effect in the City of Dover, the administrative official shall issue a building permit.

SECTION 12

MANUFACTURED HOME SUBDIVISION

Manufactured home subdivisions, may be established in the R-3 & R-4 Residential zones to provide an opportunity for manufactured home ownership of structure and lot for those manufactured homes approved by the Department of Housing and Urban Development under Title VI of Public Law 93-383, USC5401 et seq. All manufactured homes so located within an approved subdivision must have the date plate attached to the unit specifying "This manufactured home is designed to comply with Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture." ***All manufactured homes to be placed in a manufactured home subdivision must meet all requirements of Article V Section 14 (Manufactured Homes) prior to the issuance of a building permit for installation.*** Manufactured home subdivisions shall fully comply with the regulations of this Ordinance and further be governed by the Land Subdivision and Development Code of the City of Dover. Furthermore, individual manufactured homes located within a manufactured home subdivision must be converted to permanent structures as defined in Article X of this Ordinance.

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SPECIAL PROVISIONS

SECTION 13

MOBILE HOME PARKS

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of this Ordinance shall comply with all of the regulations and standards contained in this section. Mobile home parks shall be established only in the R-4 Residential zone. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than two (2) acres shall be used for a mobile home park.

A. 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

1. Each mobile home space shall contain not less than 4,000 sq. ft. minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than 40 feet in width and of adequate shape to provide off-street parking for two (2) automobiles.
2. The minimum front yard setback shall be twenty (20) feet to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least 20 feet from all internal drives and access routes through the mobile home park.
3. The minimum distance between mobile homes shall be thirty (30) feet, and under no circumstances shall there be more than five (5) mobile home spaces developed in any one (1) acre of the mobile home park.
4. Mobile home parks must 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.
5. 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 twenty (20) feet in width and shall be constructed with a bituminous or concrete surface.
6. Surface storm drainage shall be handled as provided in the Land Development Code.
7. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen (15) feet.
8. 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.

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B. Approval Procedure

All licenses and permits as required by the City of Dover in this or other applicable Ordinances shall be fully complied with before the park is open to tenants. The owner or developer shall submit a Letter of Intent and the preliminary plans for development of the mobile home park to the Planning Commission for review and approval prior to preparation of a final plat to insure conformity with plans and regulations. The preliminary plans submitted shall include an approval by the Dover Water & Sewer Dept., the Gas Company, and any other utilities or City governmental departments that may become involved in the final development of the site. The mobile home park owner and developer shall submit evidence indicating that he is responsible for the complete cost of the development including site preparation, mobile home spaces, installation of an approved anchor system, installation of all utilities, driveways, parking areas, park facilities and recreational facilities.

After review of the Letter of Intent, preliminary plans, and other information submitted by the developer, the Planning Commission may approve these plans if it finds that all appropriate regulations have been complied with. After approval by the Planning Commission, the developer shall cause to be prepared a final plat of the proposed mobile home park lot. This plat shall be prepared by a Registered Professional Engineer in accordance with the Land Subdivision and Development Code of the city of Dover. A building permit for construction of the park cannot be issued until a final plat has been approved for the mobile home park site.

SECTION 14

MANUFACTURED HOMES

The establishment, location, and use of single and double-wide manufactured homes as scattered-site single-family residences shall be permitted in the R-3 zoning district. **Double-wide manufactured homes only may be considered** under the special **use permit** provisions of the Ordinances in the R-3 Residential zone, subject to all requirements and limitations applying generally to such residential use in each of the respective districts. **All manufactured** homes shall meet all of the following requirements and limitations:

- A. The home shall **have a manufactured date less than three (3) years from date of application and** meet all requirements as defined in Article X and must possess all necessary building and occupancy permits and other certifications required by the City for a dwelling unit;
- B. **Prior to a building permit being issued or an application for a special use permit the following items must be presented to the building inspector or Zoning Commission.**
 - (1) **The manufacturer's specification for manufactured home to be installed. These specifications should include but not be limited to dimensions, type of roof, type of siding, the age of the home, required anchoring specifications, and required foundation pier arrangement.**
 - (2) **The specific size of the lot and how the home will be placed on the lot.**

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- (3) ***Cash or surety bond in the amount of \$1000 to be made payable to the City of Dover if all requirements for installation of the manufactured home are not met within ninety (90) days of the date the building permit is issued. The cash or surety bond will be returned to the owner of the home when all requirements are met before the ninety (90) day time limit.***
- C. The home must be appropriately sited on the lot, with the front of the home oriented to the front of the lot, and all required setbacks (front, side, and rear) of the zoning district in which the home is located must be met without any exceptions or variances;
- D. The home shall be ***placed upon poured footings and piers or perimeter foundation constructed to conform to manufacturer's installation specifications and the Building Code of the City of Dover. All transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. The home shall be anchored in compliance with the design load requirements of the manufacturer's installation specifications and the Building Code of the City of Dover, Arkansas.***
- E. The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation ***to completely enclose (no exposed piers)*** unless said foundation is constructed of solid brick, stone or masonry material;
- F. The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

SECTION 15

MOVING OF STRUCTURES

A. STRUCTURE DEFINED.

The term "structure" as used in this section means any house, building, or other structure ten (10) feet or more in width, which is moved from one location to another upon, across, over or near any street, avenue, alley, highway, sidewalk, or other public ground of the city .

B. STRUCTURE MOVING PERMIT REQUIRED

It is hereby declared unlawful for any person, persons, firm, company, or corporation to move any structure in the City of Dover from one place to another upon the same lot, or from one place in the city to another place in the city not upon the same lot, or from outside the city into the city, or from inside the city to outside the city without first securing a Structure Moving Permit to do so from the City.

However, the Designated Agent of the Mayor may grant a building permit for a "portable" building if said building or structure meets the following criteria and other requirements of this ordinance.

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SPECIAL PROVISIONS

A portable building as used in this section of this ordinance shall mean any building or structure not designed for full time occupancy, with no sleeping quarters and no installed electrical wiring or receptacles and no plumbing facilities and so designed as to be transported after fabrication, arriving at the site of location as a fully assembled structure not more than 160 square feet in area and not more than sixteen (16) feet in its greatest dimension.

Such building shall be deemed an "Accessory Building" and will be subject to the conditions applying to uses in Article 5 Section 1 of this Zoning Ordinance. Such building shall further comply with all requirements set forth in this ordinance for the zoning district into which said building or structure is placed.

However, the Mayor and Designated Agent may grant a permit for up to 180 days to locate a temporary or portable building or office within the City of Dover. The application for such permit shall be made direct to Designated Agent and Mayor for approval and issuance of permit.

C. APPLICATIONS FOR PERMIT

All applications for a relocation permit to move any building shall be made in writing to the Building Code Enforcement Official, not less than thirty (30) days prior to the required public hearing, on a form furnished by said Official, and shall contain the following information:

- (1) Description of type of building or structure to be moved including dimensions (height, width, and length), principal construction materials of the structure's walls, floors and roof, etc.
- (2) Present location of building or structure (physical address).
- (3) Proposed location of building (Including legal description of property and physical address).
- (4) A plat plan of the lot or parcel on which the building or structure is to be located including dimensions and identifying the public way providing access to the land. The plat shall also indicate the location of the building or structure on the plan.
- (5) A footing and foundation plan indicating the type, material and dimensions of all footings and foundation to be used to support the building or structure at the proposed location.
- (6) Construction plans for any alterations in the building's framework or layout or new construction to be attached to the building or structure.
- (7) Detailed description of present and future use of the building or structure.
- (8) Description of route over which said building or structure is to be moved including identified obstructions such as overhead utility lines, bridges, etc and contingency plans to deal with these obstructions.
- (9) Name, license number, address and telephone number of licensed and bonded mover to be used and method to be used in moving said building or structure.
- (10) A certificate of liability insurance from an insurance company authorized to do business in the state stating that the licensed mover has a valid insurance policy

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covering general and contractual liability in an amount of not less than one hundred thousand dollars (\$100,000) for bodily injury (including death) to each person and in an amount of not less than three hundred thousand dollars (\$300,000) for bodily injuries (including death) to all persons on account of one (1) accident, and in an amount of not less than twenty-five thousand dollars (\$25,000) for property damage for any one (1) person or fifty thousand dollars (\$50,000) for property damage for an aggregate resulting from any one (1) accident; such certificate shall certify that the policy covers the contractual liability assumed by the mover in connection with the moving of structures as herein provided.

- (11) Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved.
- (12) A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation if the building shows signs of deterioration.
- (13) Names and addresses of all property owners surrounding the proposed location of building or structure.
- (14) The day and hour of the day when the structure will first be moved into the limits of the public way and the approximate length of time the structure will be within said limits.
- (15) List and describe the location of any street structures which will be removed or interfered with, including sidewalks, curbing, fire hydrants, and street sign or signals.
- (16) Memos to Dover City Police and Fire Chiefs stating date, time and route of movement and requesting traffic control or alternate routes for emergency traffic.
- (17) Such other information as may reasonably be required in order to carry out the purposes of this Section.

If, upon review of the application, the Building Code Enforcement Official, can reasonably determine that the building or structure meets requirements of a portable building as defined in this ordinance, then a building permit may be granted and no building moving fee will be charged. If this determination cannot be made by the Building Code Enforcement Official, the application will be forwarded to the City Planning Commission for action as set out in this ordinance for the moving of other buildings and structures.

D PERMITS TO UNLICENSED APPLICANTS AUTHORIZED

The Building Code Enforcement Official may issue a Structure Moving Permit to persons, whether licensed or not, when the maximum width of such structure along the line of travel does not exceed fourteen (14) feet, and when they may be moved on rubber tired vehicles or trucks in such a manner as will not substantially interfere with traffic, damage any street structure, require removal of any overhead obstructions, or damage any street pavements or sidewalks. Before issuing such a permit the Building Code Enforcement Official shall designate the route to be followed and the date and

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time when such moving shall take place, and shall supervise the operation of moving thereof.

E. FEES

Before any application for a Structure Moving Permit is forwarded to the City Planning Commission, an application fee shall be paid by the applicant to the Designated Agent of the City of Dover to cover the cost of investigation and inspection. The application fee shall be thirty-five dollars (\$35.00) for any building or structure located within the City of Dover. This application fee shall be in addition to all other fees required by the City Code of the City of Dover.

Upon acceptance of any application for a Structure Moving Permit, the Planning Commission will cause to be inspected the building or structure proposed to be moved, the district into which the building is to be moved, and the premises onto which the building is to be moved.

F. COMPLIANCE WITH BUILDING, ZONING, OTHER ORDINANCES.

No Structure Moving Permit shall be issued unless the structure, if moved to a new location in the city, will comply with the zoning, building code and all other ordinances of the city.

G. CONSENT TO MOVE OVERHEAD OBSTRUCTIONS (IE WIRES, CABLES) REQUIRED

No permit shall be issued for the moving of any structure which requires the removal of overhead obstructions (electric, telephone, cable TV wires or cables) until not less than twenty-four (24) hours notice has been given of the time and place such removal is desired and the consent of the responsible company has been secured for such removal and the Building Code Enforcement Official advised of such satisfactory arrangements.

H. AUTHORITY TO REQUIRE PLANKING OF STREETS

When in the judgment of the Building Code Enforcement Official it is necessary to protect streets or street improvements, the Building Code Enforcement Official may require the house mover to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving same shall run upon and rest upon such planks at all times.

I. NOTICE OF HEARING

The Planning Commission shall cause the applicant to post, thirty (30) days prior to the date on which application for a permit is to be heard, a notice upon a sign upon the premise of which said structure is to be moved, which said notice shall contain the following:

- (1) If it is deemed necessary by the Planning Commission, the date on which the Planning Commission and the City Council of Dover shall hold a public hearing on the application for a permit to move a structure.
- (2) Description of type of structure to be moved.
- (3) Present location of structure.

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(4) Proposed location of structure.

The sign shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line. The sign shall be provided by the Planning Department concurrent with the application.

The applicant must file a legal notice in regard to the structure moving which must run in a local newspaper at least once no later than thirty (30) days prior to the public hearing.

This public notice must include the present location of the structure to be moved, the location (including legal description and address (if no address is available, a description clear to the average lay person will suffice), the type structure to be moved, the proposed use of the structure and the time, date and place of the public hearing.

The applicant must notify each property owner surrounding the proposed location of the building or structure by certified letter no later than thirty (30) days prior to the public hearing of the purpose of the proposed Structure Moving Permit and the location, date and time of the public meeting to discuss the approval of the permit. Proof of receipt of the notification should be presented to the Planning Department prior to the public hearing.

J. PUBLIC HEARING

At the time fixed in said notices to be posted as aforesaid, any person may appear before the Planning Commission of the City of Dover and make objections to the granting of said permit. After hearing the application and all objections, if any, to such application permit, the Planning Commission of Dover and the City Council of Dover shall approve or disapprove the application. The hearing of said application may be continued from time to time at said Planning Commission's discretion. On receipt of said recommendations, the City Council of the City of Dover may, in its discretion, either grant or deny the application for a permit and may attach any conditions to said permit deemed necessary by said council.

K. PERMIT CONDITIONS

No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous or which is unsanitary; or which if it be a dwelling for habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district into which the structure is to be relocated; or, if the proposed use is prohibited by any provision of the City Code or by any other law or ordinance; provided, however, that if the conditions of the building or structure in the judgment of the building inspector admits of practicable and effective repair, the permit may be issued on such terms and conditions as the building inspector may deem reasonable and proper including but not limited to the requirement of changes, alterations, additions, or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to the public welfare or to the property and improvements, or either, in the district into which it is to be moved.

The terms and conditions upon which each permit is granted shall be written upon the permit or appended in writing thereto. Said terms and conditions and the relocation bond shall provide for the removal of all concrete, lumber, and other debris and the

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SPECIAL PROVISIONS

filling of basements, cellars, or other excavations remaining from the removal of the building or structure from the premises from which it is moved when such premises are within the City of Dover.

After a Structure Moving Permit is secured, a building permit must be sought and granted prior to movement of the building.

L. REMOVAL CLEANUP

When a building or structure is moved from any property located in the City of Dover to any other location, the site from which the building is moved shall be cleaned up within ninety (90) days from time of building removal. All concrete, lumber, and other debris remaining from the removal of the building shall be removed and all basements, cellars, and other excavations shall be filled and leveled. Such work shall be performed by the person moving such building or structure. Any person, firm or corporation that fails to meet time requirements for cleanup of property shall be guilty of a misdemeanor and on conviction shall be fined no less than twenty-five (\$25.00). Each day that violation of this regulation is in effect shall constitute a separate offense and be subject to additional fines of twenty-five dollars (\$25.00) per day.

M. DENIAL OF PERMIT -GROUNDS

If the unlawful, dangerous, or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

N. BOND DAMAGE TO STREETS OR PROPERTY

In granting any permit, the council will require applicant to give a bond to the City of Dover in an amount of \$3000 dollars or greater to be fixed by said council to ensure payment for any damage which applicant may cause to any public property, streets, sidewalks, trees or shrubs in the moving of any building.

O. OCCUPANCY

Prior to any occupancy of a relocated building or structure, the Building Code Enforcement Official must perform a through inspection to ensure the building or structure conforms to all code requirements of the City of Dover and that all requirements of the Building Moving Permit have been complied with. If any conditions are noted that do not conform to code requirements, a memo to the owner shall be prepared by the Building Code Enforcement Official stating the requirements not met and actions required to the requirements. If all requirements are met, a memo of certification will be prepared by the Building Code Enforcement Officer stating that all requirements have been met and forward a copy to the owner or responsible party.

P. EXEMPTIONS

All buildings meeting the criteria for a portable building are exempt from the requirements of this article. However, all such buildings shall be required to obtain a building permit and all other required permits and undergo and pass all inspections as required by ordinances or rules, regulations or codes.

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SPECIAL PROVISIONS

Application for Building Moving Permit Submitted To
Dover Planning Commission
City of Dover, Arkansas

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- 1. Description of building to be moved including dimensions (height, width, length) principle construction materials of the structures walls, floors and roof, etc)

- 2. Present location of building (Physical Address):

- 3. Proposed location of building (including physical address and legal description of property):

- 4. Present and future use of building:

- 5. Route over which building is to be moved (including identified obstructions such as overhead utility lines, bridges, etc and contingency plans to deal with these obstructions:

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SPECIAL PROVISIONS

Application for Building Moving Permit Submitted To

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6. Name, address and telephone number of licensed and bonded mover and method to be used in moving said building:

The following items are to be attached to this application:

- A. Photographs of the building to be moved.
- B. Photographs of the buildings on the properties surrounding the propose location.
- C. A plat plan of the lot or parcel on which the building or structure is to be located including dimensions and identifying the public way providing access to the land. Plat shall also indicate the location of the building or structure on the land.
- D. A footing and foundation plan indicating the type, material and dimensions of all footings and foundations to be used to support the building or structure at the proposed location.
- E. Construction plans for any alterations in the building's framework or layout or new construction to be attached to the building or structure.
- F. A certificate of liability insurance from an insurance company stating that the licensed mover is covered as required.
- G. A report from a licensed structural pest control contractor stating the condition of the building as to decay and pest infestation if the building shows signs of deterioration.
- H. Names and addresses of property owners surrounding proposed location.
- I. Certified Letter receipts for proof of notification of surrounding property owners.
- J. Proof of publication of legal notice of public meeting.
- K. Other information as may be deemed necessary in order to carry out the purposes of this ordinance

**Applicant's
Signature:**

Date:

City of Dover, Arkansas Zoning Ordinance

ARTICLE VI

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1

OFF-STREET PARKING REQUIREMENTS

A. Standards

In all zoning districts, except the C-1 Central Business District, there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- (1) Dwelling – Two (2) parking spaces for each separate dwelling unit within the structure.
- (2) Boarding or Rooming House or Hotel or Motel - One (1) parking space for each guest room plus staff parking.
- (3) Medical or Dental Clinics or Offices and Hospitals - Five (5) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per two (2) employees, based on maximum employment of largest shift.
- (4) Sanitariums, Convalescent, or Nursing Homes - One (1) space for each three (3) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
- (5) Community Center, Theater, Auditorium - One (1) parking space for each three (3) seats based on maximum seating capacity.
- (6) Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation - One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
- (7) Office Building - One (1) parking space for each two hundred (200) square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service.
- (8) Restaurants and Eating Establishments - One (1) parking space for each four (4) seats of seating capacity and one (1) additional space for each two (2) employees working at a given shift.
- (9) Commercial Establishments Not Otherwise Classified - One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is greater.
- (10) Industrial Establishments - Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

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OFF- STREET PARKING AND LOADING REQUIREMENTS

- (11) Church Sanctuary - One (1) parking space for each three (3) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.
- (12) All Others - For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

B. Application of Standards

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

- (1) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in paragraph (11) above.
- (2) Where a fractional space results, any fraction more than one-half (1/2) shall be counted as one (1) parking space.
- (3) These standards shall apply fully to all uses and buildings established after the effective date of this Ordinance.
- (4) Except for parcels of land devoted to one (1) or two (2), family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

SECTION 2

OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

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

City of Dover, Arkansas Zoning Ordinance

ARTICLE VI

OFF- STREET PARKING AND LOADING REQUIREMENTS

SECTION 3

OTHER REQUIREMENTS

A. Paved Surface Required

All parking spaces required under the provisions of this Article shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

B. Driveways

Driveways used for residential ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns. The driveway shall include a twenty (20) foot long paved apron at the structure with a paved right-of-way at the street. The distance between the right-of-way and the apron shall be paved if the distance is less than or equal to one hundred (100) feet.

C. Buffer

All interior sides and/or the rear of a lot abutting a residential use zoning district shall be enclosed with an opaque, ornamental fence, wall, or dense evergreen hedge having a height of not less than five (5) feet nor more than seven (7) feet. Such fence, wall or hedge shall be maintained in good condition.

D. Size

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

E. Existing Parking

Parking spaces used in connection with an existing and continuing use or building on the effective date of this Ordinance, up to the number required by this Ordinance, shall be continued and may not be counted as serving a new structure or addition; nor may a parking space be substituted for a loading space or a loading space substituted for a parking space.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VII

NON – CONFORMING STRUCTURES AND USES OF LAND AND STRUCTURES

SECTION 1

NON-CONFORMING USE OF LAND

Where, on the effective date of adoption of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of these zoning regulations as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance.
- B. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 2

NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built under the terms of these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
- B. Should a structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance.
- C. Such structure, upon the approval of the Board of Adjustment, may be added to if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said use of structure is in conformance with this Zoning Ordinance.

SECTION 3

NON-CONFORMING USE OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VII

NON – CONFORMING STRUCTURES AND USES OF LAND AND STRUCTURES

- B. Any non-conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure or structure and premises may be changed to another non-conforming use provided that the Planning Commission shall determine that the proposed use is equally appropriate to the district as the existing non-conforming use.
- D. Any non-conforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Should a structure containing a non-conforming use be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, the owner may request permission of the Planning Commission to reconstruct the structure and to continue the non-conforming use. The Planning Commission may grant or deny a request to reconstruct such a structure. In granting a request to reconstruct the structure, the Planning Commission may require conformance to yard requirements, on-lot parking space, adequate screening from adjacent uses and such other items deemed appropriate to the district in which located.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 1

ADMINISTRATIVE OFFICIAL

The provisions of this Zoning Ordinance shall be administered by an administrative official designated by the Mayor. He may be provided with the assistance of such other persons as the Mayor may direct. It shall be the duty of the administrative official to see that this Ordinance is enforced through the proper legal channels. Appeal from the decision of the administrative official may be made to the Planning Commission of the City of Dover. The administrative official is generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this Ordinance, said activities to include, but not be limited, to the following:

A. Permits

To issue a building permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of non-compliance, and to give written notice of such refusal and reason thereof to the applicant.

B. Collections

To collect the designated fees as set forth in these regulations for building permits, variances, appeals, amendments, and special permits.

C. Records

To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy, and of receipt of complaints of violation of these regulations and action taken on the same, and to file such record in the office of the administrative official.

D. Inspections

To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

E. Enforcements

To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Dover may enjoin any individual or property owner who is in violation of this Ordinance to prevent or correct such violation. Any individual aggrieved by a violation of this Ordinance may request an injunction against any individual or property owner in violation of this Ordinance or may mandamus any official to enforce the provisions of this Ordinance.

F. Advisements

To keep the Mayor and Planning Commission advised of all matters other than routine which relate to the administration and enforcement of these regulations.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 2

BUILDING PERMITS

It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the administrative official has issued a building permit for such work.

No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. All application for building permits shall be accompanied by a plan in duplicate drawn to scale, 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 administration of this Zoning Ordinance. Every building permit shall expire by limitation at the end of six (6) months from the date of issue unless work is in progress. All permit fees as required by the City's adopted Building Code shall be paid.

SECTION 3

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

No building hereinafter erected or structurally altered shall be supplied with electrical service or be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the administrative official, stating that the building or proposed use of a building or premises complies with the building laws and provisions of this Zoning Ordinance. A record of all certificates of occupancy and compliance shall be kept by the administrative official. A certificate of occupancy and compliance may be revoked by the administrative official when it is found that the building or land does not conform to the use or condition, if any, 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.

SECTION 4

PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this Zoning Ordinance or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). 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 this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 5

AMENDMENTS

Two types of amendments to this Zoning Ordinance are recognized, one being a revision in the textual provisions of the Ordinance and the other being a change of boundary in a zoning district.

A. Amendment to Text

The City Council may suggest that the Planning Commission amend the text of this Zoning Ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission request a change in the text, it shall conduct a public hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the City Council for adoption.

B. Change in District Boundary

The City Council or an owner of property may initiate a change in district boundary. If the owner of property desires to revise the boundary line of a zoning district, he or his legally designated agent shall submit to the Planning Commission a petition for such rezoning. The petition shall provide the legal description of the property proposed for revision in boundary, a description of the property as it is generally identified or known by the public (such as a street address; or in the case of a large tract, a description of its general boundaries), the zoning classification requested for the property, a map or diagram showing proposed improvements to the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other optional information which the owner feels should be brought to the attention of the Planning Commission. The disposition of the petition shall be in accordance with the provisions of Sections 6 and 7 below.

SECTION 6

NOTICE

Before a proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petitions shall be published at the owner's expense in a newspaper of general circulation in the City at least one (1) time fifteen (15) days prior to the hearing. Additionally, the administrative official shall cause the owner at his expense to place a sign in a conspicuous place on the site of property proposed for rezoning and a notice at the City Hall of Dover indicating the date and place of the public hearing on the rezoning proposal, and said sign to be placed on-site not fewer than fifteen (15) days prior to the date of the hearing.

City of Dover, Arkansas Zoning Ordinance

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 7

HEARING AND APPROVAL

If all procedural requirements above are satisfied, the Planning Commission and the City Board shall proceed in the following manner:

- A. The Planning Commission shall conduct the public hearing on the proposed amendment to the Ordinance and/or Official Zoning Map.
- B. Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council.
- C. If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing.
- D. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within fifteen (15) days after receipt in writing of the Planning Commission's denial. No such amendment will be considered by the City Council unless appealed in accordance with this section.
- E. The City Council, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- F. If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, or with regard to an appealed matter, the City Council may, by majority vote, amend this Ordinance by granting the request for amendment in full or in modified form.
- G. No application for a zoning amendment will be reconsidered by the Planning Commission for a period of twelve (12) months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by two-thirds (2/3) majority vote that substantial reason exists for waiving this mandatory waiting period.

SECTION 8

FEES

Before any action shall be taken as provided in this section, any private party or parties proposing a change in the zoning regulations or district boundaries shall deposit with the administrative official the sum of one hundred fifty dollars (\$150.00) to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

City of Dover, Arkansas Zoning Ordinance

ARTICLE IX

DEFINITIONS

- A. For the purpose of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.
- B. For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.
- (1) Accessory buildings and uses:
An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.
- (2) Alley:
A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- (3) Apartment: A multiple family dwelling (see "Dwelling, Multiple").
- (4) Block Front:
All of the property on one side of the street between two intersecting streets or between an intersection street and the dead-end of a street.
- (5) Building:
Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable; the word building shall include the word structure.
- (6) Building Coverage:
The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
- (7) Building, Height of:
The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilations, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.
- (8) Building Line:
The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
- (9) Building, Main or Principal:

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A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

(10) Child Care Center:

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

(11) Clinic, Dental or Medical:

A facility for the examination and treatment of ill and afflicted human outpatients; provided however, that patients are not kept overnight except under emergency conditions.

(12) Country Club:

A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

(13) District, zoning:

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

(14) Drive-in Commercial Uses:

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

(15) Dwelling:

Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers.

(16) Dwelling, Attached:

A dwelling having any portion of one or more walls in common with adjoining dwellings.

(17) Dwelling, Detached:

A dwelling having open space on all sides.

(18) Dwelling, Single-Family:

A dwelling designed to be occupied by one family.

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- (19) Dwelling, Two-Family:
A dwelling designed to be occupied by two families living independently of each other.
- (20) Dwelling, Multiple-Family:
A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.
- (21) Dwelling, Townhouse or Row House:
Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
- (22) Dwelling Unit:
A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
- (23) Easement:
A property interest granted to a public utility company, the City, other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access. A person may build over a utility easement at his own risk.
- (24) Family:
One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A family may include domestic servants employed by said family.
- (25) Fence:
A man-made barrier constructed to provide privacy of visual separation between one ownership and another.
- (26) Floor Area:
The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings.
- (27) Garage, Private:
An accessory building or a part of a main building used for storage purposes only for automobiles, used solely by the occupants and their guests of the building to which it is accessory.
- (28) Garage, Public or Repair:
A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

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(29) Gasoline or Service Station:

Any building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, bodywork, major repairs, or automatic washing facilities.

(30) Home Occupation:

Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building.

(31) Hospital:

An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, facilities and staff offices which are an integral part of the facilities.

(32) Hotel:

A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which the rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanitarium, hospital asylum, orphanage, or building where persons are housed under restraint.

(33) Kenel:

Any lot or premises on which four (4) or more dogs, more that six months of age are kept for personal use or boarding.

(34) Lot:

A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one main building together with its accessory building, and the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street.

(35) Lot, Area:

The total horizontal area included within the lot.

(36) Lot of Record:

A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Pope County prior to the adoption of this ordinance.

(37) Lot, Corner:

A lot abutting upon two or more streets at their intersection.

(38) Lot, Double Frontage:

A lot which is an interior lot extending from one street to another and abutting a street on two ends.

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- (39) Lot Lines:
The lines bounding a lot as defined herein.
- (40) Lot Line, Front:
In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.
- (41) Lot Line, Rear:
The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- (42) Lot Line, Side:
Any lot line other than a front or rear lot line as defined herein.
- (43) Lot Width:
The width of a lot measured at the front building setback line.
- (44) Manufactured Home:
A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401 ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.
- (45) Mobile Home:
A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year-round residential dwelling unit. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load. A mobile home which is to be placed in an approved mobile home subdivision must be placed upon poured footings and piers or perimeter foundation constructed completely enclosed (no exposed piers); and all transport elements such as wheels, axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed. Furthermore, all such mobile homes shall provide on-site an all-weather off-street parking space and the placement of the mobile home must be such that it conforms with all bulk and area requirements of the zoning district.
- (46) Mobile Home Park:
Land or Property containing a minimum of two (2) acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.

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- (47) Manufactured Home Subdivision:
A subdivision in which lots are platted to be served by public rights-of-way, designed and intended for sale to individuals who will place a manufactured home unit meeting the requirements of Article V Section XII.
- (48) Motel:
A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.
- (49) Nonconforming Use:
Any building or land lawfully occupied by a use at the time of passage of this ordinance which does not conform with the use or area regulations of the district within which it is located.
- (50) Nursing Home:
Any premises where more than three persons are lodged and furnished with meals and nursing care.
- (51) Open Space:
An unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
- (52) Parking Lot:
An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.
- (53) Parking Space:
An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' x 20'.
- (54) Principal Use:
The specific primary purpose for which land, building, or structure is used or intended to be used.

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(55) Professional Office:

For purposes of determining permitted uses in the C-2, Neighborhood Commercial and Quiet Business District, a professional office is defined as one in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sales to customers.

(56) Public Assembly:

A space, room, or structure designed or used for occupancy by twenty (20) or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

(57) Public Utility:

Any person, firm, corporation, municipal department, Board, or Council, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

(58) Satellite Television Receiving Dishes, Ground Mounted:

A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. Said devices are herein defined as accessory structures.

(59) Service Station:

See Gasoline Service Station.

(60) Setback:

Distance between the lot line and the building line.

(61) Sign:

A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, electronic reader board, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. Political signs must be removed within ten (10) days after the election.

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(62) Sign Area:

The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

(63) Story:

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

(64) Street:

Any public or private thoroughfare which affords the principal means of access to abutting property.

(65) Structure:

Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

(66) Structural Alterations:

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

(67) Yard:

The open space between the lot line and the main building line.

(68) Zoning Lot:

A parcel of land that is designated by its owner or authorized agent as a tract, all or which is to be used, developed, may consist of any standard lot or a combination of lot and any legally recorded portion of a lot that existed prior to the passage of this Ordinance. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot.

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SECTION 1

VALIDITY

This Zoning Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Zoning Ordinance shall not be affected thereby.

The City Council of the City of Dover hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

SECTION 2

REPEAL

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with provisions of this Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect upon its adoption by ordinance of the City Council of the City of Dover, Arkansas.

ARTICLE XI
FLOOD DAMAGE PREVENTION CODE
FOR THE CITY OF DOVER, ARKANSAS

ARTICLE 1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based

44 CFR § 65.12 – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

“100-year flood” is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

“500-year flood” is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

“Accessory Structures” are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

“Adverse impact” means any negative or harmful effect.

“AE or A1-30 Risk Zones” are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

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“AH Risk Zones” are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

“AO Risk Zones” are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

“A Risk Zones” are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

“Appeal Board” means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

“Automatic” entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

“Base flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the “100-year flood” as the base flood.

“Base Flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

“Basement” is any enclosed area that is below grade on all sides.

“BFE” is the acronym for Base Flood Elevation. – The elevation shown on the Flood Insurance Rate Map for Zones AE,AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

“Buoyancy” is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

“Certificates of Compliance” are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

“CFR” is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

“Clearing” is the act of cutting timber or shrubs from an area

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“Commercial business park” is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants which service these offices.

“Concrete deadman anchors” are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

“Covenant” is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

“Crawlspace” is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

“Critical Facilities” include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

“D Zones” areas in which the flood hazard has not been determined, but may be possible

“Deed restriction” refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

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“Development” means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

“Development Permit” refers to the permit required for placing a “development” in the floodplain.

“Easements” are rights or permissions held by one person to make specific, limited use of land owned by another person.

“Elevation Certificate” refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

“Erosion” is the process of soil removal by moving water.

“Existing Structure” means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Federal Emergency Management Agency”, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

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“FEMA” is the acronym for the Federal Emergency Management Agency.

“Fill” refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

“FIRM” is the acronym for Flood Insurance Rate Map.

“Flood Fringe” refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

“Flood Insurance Rate Map” (or “FIRM”) refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.
flood maps

“Flood Insurance Study” (or “FIS”) is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flooding events” are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain” refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

“Floodplain Administrator” refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

“Floodplain Development Permit” is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

“Floodproofing” is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

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“Floodproofing Certificate” refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

“Floodway” or “Regulatory Floodway” refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

“Flow-through openings” are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Grade” means the surface of the ground.

“Grading” means to smooth the surface of the ground, typically with heavy construction equipment.

“Highest Adjacent Grade” (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historical Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

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4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Hydrodynamic forces” are the forces and stresses associated with moving water, including impacts from objects carried in the water.

“Hydrostatic flood forces” are the forces and stresses associated with standing floodwaters.

“Lacustrine Flooding” is flooding associated with a lake.

“Lateral forces” are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

“Lowest floor” refers to the lowest floor of the lowest enclosed area (including Basement). For a typical slab-on-grade construction, the lowest floor is the top of the first floor of the structure. For a typical basement foundation construction, the elevation of the lowest floor is the top of the basement floor. For a typical crawlspace foundation construction, the elevation of the lowest floor is the top of the first floor of the structure. For a typical split-level construction, the elevation of the lowest floor is the top of the first living area floor. For a manufactured home installation, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The garage floor and crawlspaces are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

“Manufacture Homes” or Structures means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

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“Mixed Use Structures” are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

“New Construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No Adverse Impact principle” is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

“Nonresidential Structures” are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

“No-Rise Certificates” are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

“Piers” are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

“Pilings” are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

“Ponding” is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

“Recreational vehicles” means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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“Risk Zones” categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

“Riverine flooding” is flooding associated with a river or stream channel.

“RV” is the acronym for recreational vehicle.

“Screw augers” are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

“Section 404 Wetlands Permit” is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

“SFHA” is the acronym for Special Flood Hazard Area.

“Shallow flooding” means a depth of less than 3 feet.

“Slab anchors” are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

“Special flood hazard areas” are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

“Start of Construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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“State Coordinating Agency” is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

“Stream channels” are depressed natural pathways through which water of any quantity routinely flows.

“Structural development” is a development that includes the placement or construction of a structure.

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

“Substantial improvement” is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure’s official status of “historical structure.”

“Uses vulnerable to floods” are simply any land or structural uses that may be negatively affected by a flood.

“Variance” is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

“Violation” - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

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“Watercourse alteration” refers to any change that occurs within the banks of a watercourse.

“Water Surface Elevation” - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“X Risk Zones” are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

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ARTICLE 2 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **Mayor** of **The City of Dover** , or his designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

- (1) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (2) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (3) **Review applications for Floodplain Development Permits** to:
 - a) Evaluate proposed projects for reasonable safety from flooding;
 - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
 - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
 - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (4) **Approve or deny applications for Floodplain Development Permits** on the basis of:
 - a) The proposed development's compliance or non-compliance with the provisions of this Code;
 - b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;

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- c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
 - d) The proposed development's susceptibility to flood damage;
 - e) The proposed development's compatibility with existing and planned community development;
 - f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
 - g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
 - h) The proposed development's functionally dependent use;
 - i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
 - j) The relationship of the proposed use to the comprehensive plan for that area.
- (5) **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)
- (6) **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse**, and submit evidence of all such notifications to FEMA.
- (7) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
- (8) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)

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- (9) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
- (10) **Issue Certificates of Compliance.**
- (11) **Maintain all records and documents pertaining to this Code for public inspection.**

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit is required for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code. The Dover Flood Plain Prevention Control Code will comply with the Pope County Flood Emergency Plan.**

SECTION D. PERMIT PROCEDURES

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within **The City of Dover**, Arkansas, the designated Appeal Board is the **Planning Commission of the City of Dover, Arkansas.**

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SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIRMENTS OF THIS CODE

(1) Applicants must submit petitions for variances directly to the Appeal Board (Section E).

(2) Variances may only be issued:

- a) if showing a good and sufficient cause;
- b) granting of the variance will not result in any adverse impact upon other lands;
- c) if granting of the variance will not result in any additional threats to public safety;
- d) if granting of the variance will not result in extraordinary public expense;
- e) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
- f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
- g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
- h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.

(3) Variances may not be issued for developments inside a regulatory floodway unless

- a) all requirements of 44 CFR §65.12 are first met; or
- b) the following requirements are met:
 1. a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
 2. protective measures are employed to minimize damages during flooding events; and
 3. the variance does not result in any adverse impact to other lands.

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- (4) Examples of developments for which variance petitions may be appropriate include but are not limited to
- a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
 - b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
 1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
 2. the variance is the minimum necessary to preserve the historic character and design of the structure.
 - c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
 1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION F. APPEAL BOARD

- (1) Within **The City of Dover**, Arkansas, the **Planning Commission of the City of Dover, Arkansas** is the designated Appeal Board.
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.

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- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

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ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements shall be designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;**
3. **All new construction or substantial improvements shall be constructed with materials resistant to flood damage;**
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection standards or located outside the SFHA.**
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures.**
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**

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9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either
 - (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
 - (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

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SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

**(1) In AE or A1-30 Risk Zones:
Special Flood Hazard Areas with base floods determined**

a) For Residential Structures in Zone AE or A1-30:

1. For all new residential structures, the top surface of the lowest floor must have an elevation { [2 feet or more](#) } above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b) For Nonresidential Structures in Zone AE or A1-30:

1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated { [2 feet or more](#) } above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below { [an elevation of 3 feet above](#) } the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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- c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
- c) **For Manufactured Homes in Zone AE or A1-30:**
1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated { 2 feet or more } above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is { 2 feet or more } above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodways

High risk areas of stream channel and adjacent floodplain

- a) **Developments** in regulatory floodways are **prohibited, unless**
 1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
 2. **All requirements of 44 CFR §65.12 are first met.**
 - b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.
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(3) In AH or AO Risk Zones: Special Flood Hazard Areas of shallow flooding

a) For Residential Structures in Zones AH or AO:

1. All new residential structures must be constructed with the top surface of the lowest floor elevated { 2 feet or more } above the published BFE, or { 2 feet or more } above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b) For Nonresidential Structures in Zones AH or AO:

1. All new commercial, industrial or other nonresidential structure must either:
 - a. have the top surface of the lowest floor elevated { 2 feet or more } above the published BFE, or { 2 feet or more } above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below { 3 feet or more } above the published BFE in Zone AH, or { 3 feet or more } above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

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2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
- c) **For Nonresidential Structures in Zones AH or AO:**
2. All new commercial, industrial or other nonresidential structure must either:
 - a. have the top surface of the lowest floor elevated { 2 feet or more } above the published BFE, or { 2 feet or more } above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below { 3 feet or more } above the published BFE in Zone AH, or { 3 feet or more } above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
- d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.

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- e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.
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(4) In “A” Risk Zones:

Special Flood Hazard Areas with no base flood elevations determined

- a) **In Zone A, The applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
 - 1. For all new residential structures, the top surface of the lowest floor must have an elevation { 2 feet or more } above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
 - 1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated { 2 feet or more } above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below { an elevation of 3 feet above } the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

d) For Manufactured Homes in Zone A:

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated { 2 feet or more } above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is { 2 feet or more } above the base flood elevation, or

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- b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
- 4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.

