

## **CHAPTER FOUR**

### **ZONING DISTRICT CLASSIFICATION**

#### **General Provisions (ORDINANCE #2006-08)**

#### **1. DISTRICTS**

For the purpose and provisions of this Code, the City of Horseshoe Bend, Arkansas is hereby organized into the following zoning districts. These zoning districts are shown on the Official Zoning Code Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be part of these regulations. The Official Zoning Code Map shall be identified by the signature of the Mayor attested by the Recorder/Treasurer, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Code Map referred to in Chapter Four of Ordinance Number 2006-08 of the City of Horseshoe Bend, Arkansas", together with the date of adoption of the Code and Ordinance.

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Code Map, the following rules shall apply; District boundary lines are either the center lines of highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended as otherwise indicated.

#### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS:**

##### **R-1A General**

All **R-1** properties not included in districts **R-1B**, **R-1C**, **R-1MH**, and **R-1MB**. Included is the following land:

1.54 acres of land, more or less, situated on the South side of Club Road and East of Highway 289. This property is restricted to the construction of a public library. (Ordinance #2003-06).

##### **R-1B Lake Front and Golf Course Properties.**

This district applies to all properties that have one or more boundaries adjoining a lake or golf course.

##### **R-1C Airport Properties**

This district applies to all properties that have one or more boundaries adjoining the airport.

##### **R-1MH Manor Homes**

This district applies to the Pioneer Village Manor addition to the City of Horseshoe Bend, AR and other properties in the City of Horseshoe Bend, AR where manor type homes are permitted.

### **R-1MB Mobile Home Parks**

The district applies to all or parts of Beta Park Mobile, Rolling Acres, Paradise Acres, Scenic Acres addition to the City of Horseshoe Bend, AR.

Mobil homes and single family cabin type residences with a minimum of 600 square foot are permitted. Mobile Homes shall be erected only in those areas specifically allowing them.

### **R-2 MULTI FAMILY RESIDENTIAL DISTRICTS:**

This district applies to all properties that permit single and multi-dwelling units, including duplexes. These properties are identified as follows: (Ordinance #2002-03)

1. All of the land adjoining both sides of South Bend Drive (Highway 289) from the South border of C-1C, C-1D, and C-1I districts to the Strawberry River, except that strip of land West of Ivory Lane one lot deep.
2. The Marina Village #2 addition.
3. The land East of Ivory Lane between Crown Addition and the Crown View Addition.
4. The land legally described as: Lots 8 through 17 inclusive of Church and Professional Park Addition, located between First and Fourth Streets on the South side of Professional Drive.
5. Also included is that land extending 415 feet West from Fourth Street and South from the present Hill High property to West Church Street but excluding the present property of the Church of the Nazarene.
6. The rectangular piece of land on the South West corner of Church and Fourth extending West 229.48 feet on Church Street and 225 feet South on Fourth (formerly St. Mary of the Mount Catholic Church).
7. The area of approximately 31 acres bounded on the North by Crown View Addition, on the West by Ivory Lane on the South and Southwest by Tri-Lakes Drive, and on the East by Crown Lake.
8. All or parts of these additions: Sequoia Park, Pioneer Park, Chi Park, Deer Trail Park, and Eyota Park.

**C-1 COMMERCIAL DISTRICTS:**

**C-1A BUSINESS CENTER (50)**

- a. That area West of Fourth Street and South of Commerce Street presently occupied by the Hill High Motel.
- b. That area between Fourth Street and Commerce Street presently owned by the City of Horseshoe Bend.
- c. That area approximately 31.8 acres bounded by Highway 289, 4<sup>th</sup> Street, Commerce Drive and Nightingale Drive called Stonebridge Business Park.

**C-1B BUSINESS AND INDUSTRIAL PARK (54) (Ordinance #2002-03)**

Approximately 8 acres beginning at a point on the East right-of-way of Highway 289, 300 feet North of Cardinal Drive, and extending northerly along said right-of-way for 600 feet, all with a depth of 600 feet.

**C-1C CHURCH AND PROFESSIONAL PARK ADDITION (55)**

Less lots 8 through 17 inclusive

- a. That area between First Street and South Bend Drive (Highway 289) from Church Street to the South property line of the North Arkansas Life Care Center.
- b. That area on the Northwest corner of Church and Fourth Streets used by the Church of The Nazarene. (Ordinance #2002-03)

**C-1D SCIENCE AND INDUSTRY PARK (56)**

The un-platted land between Bend Drive (Highway 289) and the airstrip.

**C-1E AIRSTRIP AND AIRCRAFT RELATED BUSINESS**

**C-1F MARINA.**

That area Between the South shore of Crown Lake and Tri-Lakes Drive extending from the emergency overflow area approximately 1800 feet to the East.

**C-1G CAMPGROUNDS, OVERNIGHT.**

That area of approximately 10.2 acres lying South of and adjacent to the Strawberry River and East of Highway 289.

**C-1H STORAGE UNITS**

Included is that area of approximately 2-1/2 acres bounded on the North by the South boundary of Science and Industry Addition and on the West by the East right-of-way of Highway 289. (Ordinance #2002-03)

**C-1I THREE PAR GOLF COURSE. (Ordinance #2002-03)**

Included is that area bounded on the East by C-1A, C-1C, and that section of R-2 West of 4<sup>th</sup> Street and by a line parallel to and 200 feet from West Church Street, on the South by a line parallel to and 200 feet from the North boundary of Woodland Addition, on the West by a line parallel to and 200 feet from Twin Lakes Drive and the Southwest boundary of Cedar Glade Addition, and on the North by a line parallel to and 200 feet from Commerce Street.

**C-1J TIME SHARING PROPERTY**

Included is the land East of Ivory Lane between Crown Addition and Crown View Addition. Also land south of C-1D (Science and Industry Park Addition) East of Route 289 S, West of Ivory Lane, and North of Tri-Lakes Drive, except .34 acres in the Northwest corner and 2.87 acres opposite Victoria Drive. Also, any contiguous (disregarding streets) land which they may acquire.

**P-1 PASTURE/STABLE DISTRICTS: (Ordinance #2002-03)**

1. That area of approximately 61 acres bounded on the North and West by the Strawberry River on the East by Highway 289 (excludes the Billingsley and Kurth properties).
2. That land of approximately 120 acres bounded on the East by Ranch view Land, on the South by Cardinal Drive, on the West by Highway 289, and on the North by the Horseshoe Bend Northern city limits except for approximately 8 acres which are a part of C-1B.
3. That area bounded on the east and southeast by Kennedy Road, on the southwest by Pine Ridge Drive, and on the north and northwest by White House Addition lots 83 through 86 and 178 through 186; plus an area of ten acres bounded on the north and east by Pine Ridge Drive and on the west by White House Addition lots 385 through 393.

## **S-1 ZONING DISTRICT:**

This District provides for residential, health care, and commercial facilities, including single family, two family, multi-family, independent and assisted living housing, congregate care housing and extended health care facilities, with commercial uses both within the congregate care and extended health care facilities and as independent facilities, and including service, maintenance, and administration facilities necessary for all allowable uses under this S-1 District.

Included is all land as described as follows:

That part of the East half (E ½) of the Southwest Quarter (SW ¼) of Section 5 lying South and East of the Southeast right of way of Arkansas State Highway 289 and West of Sequoia Addition to Horseshoe Bend Estates, a subdivision of IZARD County, as shown on plat of same filed in the office of the Circuit Clerk of IZARD County on the 11<sup>th</sup> day of August 1964, in Book 50 at page 666A; and that part of the East half (E ½) of the Northwest Quarter (NW ¼), and that part of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼), and that part of the Northwest Quarter (NW ¼), of the Southwest Quarter (SW ¼) of Section 8 lying West of the above stated Sequoia Addition, North and West of Shady Lane, North of Club Road, and East of the East right of way of Arkansas State Highway 289; LESS AND EXCEPT: a parcel of land described as beginning at a point on the East right of way of Shady Lane, said point being 275.00 feet North along the East right of way of Shady Lane from the point of intersection of the East right of way of Shady Lane and the center line of Club Road; thence Westerly parallel to the center line of Club Road to a point on a line that is 600.00 feet West along the center line of Club Road from the intersection of the center line of Shady Lane and Club Road and is perpendicular to the center line of Club Road; thence Southerly along said perpendicular line to the North right of way of Club Road; thence Easterly along the North right of way of Club Road to the point of intersection with the East right of way of Shady Lane; thence Northerly along the East right of way of Shady Lane to the point of beginning.

And that part of the East Half (E ½) of the East Half (E ½) of Section 7 that is South of the South right of way of Arkansas State Highway 289; East of the West lot lines of Lots 1, 23, 24, 25, 37, 38, 39, 49, 50, 51, 58, 59, 99, 100, and 156 through 163 Pioneer Park Addition to Horseshoe Bend Estates as per plat of same filed in the office of the Circuit Clerk of IZARD County on the 9<sup>th</sup> day of August, 1965 in Book 55 at page 275; and East of the East right of way of Arkansas State Highway #289.

All in Township 18 North, Range 7 West, Izard County, Arkansas and containing 140 acres, more or less.

LESS AND EXCEPT that 7.49 acres known as Woodland Green 1 Addition as shown on the recorded plat in the Office of the County Clerk of Izard County, Arkansas.

**U-1 UNBUILDABLE DISTRICTS:** (Ordinance #2002-03)

No improvements other than that to control land erosion or water flow shall be made on any of the land zoned unbuildable.

- a. The land below the Crown Lake Dam.
- b. The land below the Diamond Lake Dam.
- c. The land below the White Oak Lake Dam.
- d. The land below the Pioneer Lake Dam.

**2. COMPLETION OF EXISTING BUILDINGS.**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction, for which a building permit has been issued, at the time of the adoption of these regulations.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued.

**3. AREA NOT TO BE DIMINISHED.**

No part of a yard, or other space, or off-street parking or loading space required in connection with any building or use shall, by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

**4. SPECIAL RESTRICTIONS.**

No noxious trade or activity shall be carried on upon any property in the City of Horseshoe Bend, Arkansas. Noises, odors, smoke, vapor, and vibrations shall be maintained at a minimum. No production or storage of toxic or hazardous materials shall be permitted within the City limits of Horseshoe Bend, Arkansas.

Storage units or equipment trailer may be placed on the lot at the beginning of construction and recreation vehicle when home footings and subfloor are complete for

a period of (12) months if construction has moved continuously toward completion and occupancy. If construction is halted for any reason other than a natural disaster said units must be removed within 2 weeks. They must be removed 14 days after occupancy permit has been issued. Storage units and recreation vehicles may remain on the property if they meet all other code requirements. Recreation Vehicles may not be utilized as a permanent dwelling unit. (ord 2018-02)

**5. BUILDING PERMIT REQUIREMENTS.**

**Refer to Chapter 10**

**6. ZONING OF ANNEXED LAND.**

Territory annexed to the City of Horseshoe Bend, Arkansas shall meet all requirements of R-1 Single-Family residential district zoning and the subdivision regulations.

## **CHAPTER FIVE**

### **RESIDENTIAL DISTRICT RESTRICTIONS**

(ORDINANCE #2006-08)

#### **R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

These Districts provide for single-family residential developments of relatively spacious character.

##### **A. PERMITTED USES.**

1. Single-family detached dwellings.
2. Home occupations, as defined in this Code. See Chapter Six.
3. Non-commercial parks, playgrounds, and forest preserves.
4. Temporary buildings for construction purposes for a period not to exceed the completion date of construction. (see chap 4 para 6)
5. Utility substations. (If no staff is required and screening is provided).
6. Off-street parking. See Chapter Nine.
7. Public Schools and Public Libraries.
8. City emergency services substations.

##### **B. GENERAL RESTRICTIONS.**

###### **1. PLACEMENT OF STRUCTURE(S) ON LOT(S).**

- a. In **R-1 & R-2** residential districts, only one dwelling (primary building) shall be erected on any lot. Location of that dwelling shall conform to the set back requirements for the applicable zoning district as given in this code. The owner of a series of two or more lots may elect to apply the side lot setbacks only to the first and last lots in the series for placement of the primary building.



b. All accessory structures shall be located to the rear of the front building line and within the rear and side set back lines of the lot. When any accessory structure is placed in a series of two or more adjacent lots, the accessory structure must be placed either on the same lot as the principal structure or, if on a lot adjacent to the principal structure, the owner must record with the City Clerk a binding statement that the lots cannot be sold separately.

c. Any accessory structure must maintain the same front set back line and side set-backs. No structure may be placed or constructed with the rear set back zone except docks, uncovered decks, and retaining walls.

Any proposed use of the rear set back zone for docks and retaining walls must be presented to the MRID for review and permission.

d. No permanent or temporary accessory structure with the exception of docks and temporary building as permitted A(4) shall be constructed on any lot prior to the start of the principal building to which it is an accessory.

e. Each accessory structure shall be compatible with the primary building and the surrounding area and must be kept in good repair.

f. Each regulated accessory structure shall have a floor made of materials expected to last in excess of 20 years.

g. The size of any accessory structure shall be limited to three hundred (300) square feet except for a detached garage, the size of which shall be limited to nine hundred (900) square feet.

h. Hangers any enclosed structure whose primary purpose is for the storage of an aircraft and that is not attached to the primary structure may not be larger than three thousand six hundred (3,600) square feet.

i. Twenty-five (25) percent of the area of development shall remain open space and shall be exclusive of all buildings, structures, service walks, driveways and areas devoted to parking spaces which shall be at ground level, landscaped to provide the absorption of moisture. The balance of the seventy-five (75) percent shall consist of the aggregate, principal building(s), structures, service walks, driveways, and areas devoted to parking spaces.

j. Hallways and doors shall be of such width and placement to provide ready access to all major living areas (living, dining,

bedrooms, and kitchens) by the Emergency Medical Service gurney. (Ordinance #2002-03)

- k. Plot plans for **R-2** developments shall be submitted to the Fire Department and the Emergency Medical Service for accessibility approval before a building permit is issued. (Ordinance #2002-03)

2. **FOUNDATIONS:**

Enclosed perimeter foundations are required for all regulated structures. Horseshoe Bend, Arkansas is located in a seismic zone that requires special foundation construction details. Consult the Building Code.

3. **VISION CLEARANCE AND FENCE REQUIREMENTS**

No lot adjoining a street intersection (corner lot) shall contain fences, walls or shrubbery, which will obstruct the vision of drivers of motor vehicles. Fences, plantings or landscape on any corner lot (any lot adjoining a street intersection) shall not be permitted higher than three (3) feet within fifteen (15) feet of any intersection's street corner, except that a "chain link" fence may be four (4) feet tall, if it is kept free of any vegetation or any other items which would obstruct the view through said fence.

- a. No fence, or shrubbery, or other type of enclosure shall be constructed between the front corner of any building and the front line of the property, which exceeds the height of three (3) feet, except that a "chain link" fence may be four (4) feet tall, if it is kept free of any vegetation or any other items which would obstruct the view through said fence...
- b. No fence or other type of enclosure shall be constructed between the front corner of the building and the back line(s) of the property, which exceeds the height of six (6) feet. Said enclosure shall not interfere with the natural flow of water.

4. **SET-BACK REQUIREMENTS**

Structures shall not be erected or enlarged unless the following setbacks are provided and maintained.

**FRONT YARD.**

Forty-five (45) feet from the front lot line.

#### **SIDE YARD.**

Fifteen (15) feet from each side lot line. Any yard adjoining a side street (corner lot) shall have a set-back of thirty (30) feet from the side street lot line.

#### **REAR YARD**

Twenty-five (25) feet from the rear property line in subdivisions:

Ben's Creek, Forest Heights, Greenbriar, Hillcrest, Lynwood, Timber Ridge, Treasure Hills, Valley View, Edge Hill, Sleepy Hollow, South Shore, North Shore, Fairway, Cedar Glade, Woodland, Spring, Emerald Cove, Diamond Cove, White House, Crown View, and Crown View II.

Thirty (30) feet from the rear property line in subdivisions: For lake front lots, the set-back shall start at a line representing the normal water level (the level of each lake's spillway intake)

Sharp 1, Sharp 2, Marina Village 1, Capitol, Green Valley, Pine Ridge, Riverview, Frontier, Frontier Manor, Chi Park (Tract C), Deer Trail Park (Tract D), Eyota Park (Tract E), parts of Rolling Acres, White Oak 1, Settler Park, Crown, Lakeview, Pleasant Valley, State, Golf Park 1, Golf Park 2, Executive, White Oak 2, Pioneer Park, Alpha Park (Tract A), and Beta Park (Tract B).

#### **R-2 Rear Yard Thirty (30) feet from the rear property line**

5. Height limited to two stories plus basement.
6. Recreational vehicles, travel trailers, utility trailers, trucks and similar vehicles or apparatus shall not be stored or parked in front half of vacant lots or on City property for more than 30 days in any one calendar year. A recreational vehicle, travel trailer or bus shall not be used as a permanent dwelling unit
7. All dwelling units shall have a minimum dimension on any side of twenty (20) feet. (Ordinance #2004-02)
8. All dwelling units shall have siding materials consistent with current City ordinances and the International Building Code. (Ordinance #2004-02)
9. All dwelling units shall be constructed on a concrete slab with continuous turned down footings or have a masonry or concrete foundation. (Ordinance #2004-02)
10. All dwelling units shall have shingle roofs unless alternative roofing is specifically approved by the Building Committee. (Ordinance #2004-02)

11. All structures must comply with the International Building Code and its rules and regulations for the construction, alterations repair, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures, including permits and penalties. The provisions of this Code shall be considered the minimum standards.

12. Preliminary and final development plans shall be brought before the Planning Commission. Within 35 days after receipt of the final plan the Planning Commission shall determine whether it conforms to R-2 Zoning requirements and report such determination to the Building Commission. (Ordinance #2002-03)

## **C. SPECIAL RESTRICTIONS**

### **1. R-1A, R-1B, R-1C**

- a. Each proposed lot(s) in the (R-1 A, B, C) Districts shall have a zoning lot area of not less than twelve thousand (12,000) square feet, with a minimum width at the established building line of ninety (90) feet.

#### **b. Dwelling Size**

**R-1A** All dwellings shall have a minimum of one thousand (1,000) square feet under roof and eight hundred fifty (850) square feet heated on the first floor level.

**R-1B & R-1C** All dwellings shall have a minimum of one thousand four hundred (1,400) square feet under roof and one thousand (1,000) square feet heated on the first floor level, with the exception of dwellings in Crown View II subdivision, which shall have a minimum of one thousand eight hundred fifty (1,850) square feet under roof and one thousand (1,500) square feet heated on the first floor.

## **R-2. GENERAL FAMILY RESIDENTIAL DISTRICTS.**

This District provides for single-family, two-family, and multi-family residential developments of relatively spacious character.

### **A. PERMITTED USES**

1. Single-family detached dwellings.
2. Two-family dwellings
3. Multi-family dwellings, including condominiums, and apartments.
4. Home occupations, as defined in this code (See Chapter Six)
5. Noncommercial parks, playgrounds, and forest preserves
6. Temporary buildings for construction purposes for a period not to exceed the completion date of construction.
7. Utility substations. (if no staff is required and screening is provided).
8. Public schools and public libraries.
9. City emergency service substations.

**B. GENERAL RESTRICTIONS.**

**All single family residences constructed in R-2 districts will be governed by general restrictions stipulated for R-1A above.**

**C. SPECIAL RESTRICTIONS:**

- A. The minimum lot size is twelve thousand (12,000) square feet, with a minimum width at the established building line of ninety (90) feet. For multi-family units greater than five (5), the minimum size of lot is two thousand (2,000) square feet per unit.
- B. All single-family detached dwellings shall have a minimum of one thousand (1,000) square feet under roof and eight hundred fifty (850) square feet heated.
- C. All two-family structures (duplexes) shall have a minimum area of seven hundred fifty (750) square feet per unit under roof and six hundred forty (640) square feet heated.
- D. All multi-family structures shall have a minimum area of five hundred seventy (570) square feet per unit under roof and five hundred (500) square feet heated.

- E. If a series of single-family dwellings or condominiums or apartments are to be located in the R-2 district, the side lot setbacks shall only apply to the first and last dwellings in the series.
- F. Each unit in a series of single-family dwellings shall have a minimum of one thousand (1,000) square feet under roof and eight hundred fifty (850) square feet heated.
- G. A green belt of 75 feet from the existing right of way shall be maintained on either side of South Bend Drive (Highway 289). No buildings or signs shall be erected in these green belts. No access to this section of South Bend Drive shall be granted without the recommendation of the Planning Commission and/or the Horseshoe Bend City Council and without the approval of the Arkansas Highway Commission. (Ordinance #2002-03)
- H. Structures shall not be erected or enlarged unless the following setbacks are provided and maintained:

#### **R-1MH Manor Homes**

- a. Each proposed lot(s) or addition(s) in the R-1MH District shall have a zoning lot area of not less than one thousand four hundred and fifty (1,450) square feet.
- b. All dwellings shall have a minimum of eight hundred (800) square feet heated on the first floor level.
- c. SET-BACK REQUIREMENTS  
The regulated buildings shall not be erected or enlarged unless the following setbacks are provided and maintained:

##### **FRONT YARD.**

Thirty-five (35) feet from the front lot line.

##### **SIDE YARD**

The front left corner of each housing unit shall be located four (4) feet from the left side line (left side shall be determined by looking toward the rear lot line).

##### **REAR YARD.**

Sixteen (16) feet from the rear property line.

#### **R-1MB Mobile Homes**

- a. Each proposed lot(s) or addition(s) in the R-1MB District shall have a zoning lot area of not less than six thousand (6,000) square feet, with a minimum width at the established building line of sixty (60) feet.
- b. All dwellings shall have a minimum of six hundred (600) square feet heated on the first floor level. The minimum dimension of twenty (20) given in Section B-6 does not apply to mobile homes.

c. **SET-BACK REQUIREMENTS**

Structures shall not be erected or enlarged unless the following yards are provided and maintained.

**FRONT YARD.**

Thirty-five (35) feet from the front lot line.

**SIDE YARD**

Fifteen (15) feet or ten (10) percent of the lot width (whichever is greater) at the building set back lines. Any yard adjoining a side street (corner lot) shall have a set back of twenty (20) feet from the side street.

**REAR YARD.**

Fifteen (15) feet from the rear property line.

NOTE: Bills of Assurances also in existence for subdivisions in Horseshoe Bend may not be consistent with the above restrictions.