Zoning Regulation
Cammack Village, Arkansas

Prepared for
The Cammack Village Planning Commission
and
The Cammack Village City Council

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SECTION 1. PURPOSE, AUTHORITY, JURISDICTION

1.1 Purpose
The purpose of the regulations set forth herein is to promote the health, safety, and the general welfare of the citizens of the City of Cammack Village; to provide efficient and economical means for civic development; to secure safety from fire and panic; control overcrowding of land; provide adequate light and ventilation; avoid concentration of population; and facilitate ease of provision of transportation, parks, utilities, schools and other public requirements.

1.2 Authority
These regulations are prepared in pursuance of the authority granted by the Legislature of the State of Arkansas in Act 186 of 1957, as amended.

The adoption of a zoning regulation by an ordinance of the city is an exercise of the city’s police power. The terms of the ordinance are enforceable by the city. In contrast, a bill of assurance, drafted and filed on behalf of a specific, identified, subdivision of land is an agreement between the seller and the buyer of land in that subdivision to abide by the terms of the bill of assurance. Enforcement of the terms are a matter of civil law.

In the particular instance of Cammack Village, the City herein adopts pertinent parts of the bills of assurance of the subdivision comprising the land area of Cammack Village. The pertinent parts of the bills of assurance are included in the body of the Zoning Regulation of Cammack Village and also contained in Appendix A to the regulations.

Thus, the Appendix A provisions of the zoning regulation, adopted by reference, by ordinance of the city are enforceable by the terms of the bills of assurance as well.

1.3 Jurisdiction
The jurisdiction of these regulations shall include all land and structures within the corporate limits of the City of Cammack Village, Arkansas.

SECTION 2. ZONING DISTRICTS MAP & GENERAL REQUIREMENTS

2.1 Zoning Districts Map
The zoning districts are hereby established as shown on the map entitled: Cammack Village, Arkansas, Zoning Districts. The date of adoption of the original map will be shown in the adoption note printed on the map. It will be signed by the mayor of the city and attested by the city clerk. Subsequent amendment ordinances of the map that may occur will show the date of the amendment and will also be on file with the city clerk. Said zoning districts map and all notations, references and other information shown thereon shall be made a part of this regulation upon adoption.
2.2 Zoning District Boundaries
Unless otherwise indicated on the Zoning Districts Map, the boundaries of zoning districts are coterminous with the various named subdivisions of Cammack Village. The boundaries may run along lot lines, the center lines of streets or alleys or specified distance there from, or property lines as they existed at the time of the enactment of these regulations.

2.3 Interpretation of Zoning District Boundaries
Where uncertainty exists as to the boundaries of the zoning districts, or where the street or property lines existing on the ground are at variance with those on the Zoning Districts Map, the Planning Commission, upon written application, or its own motion, shall interpret and determine the location of such boundaries.

SECTION 3. DESCRIPTION OF ZONING DISTRICTS

3.1 Residential Districts
The subdivisions of Cammack Village shall be for detached single-family residence(s) built or constructed on the lot on which they sit. The Detached Single-Family Districts are designated in this textual material and the Zoning Districts Map as follows:
(1) JH Residential District ("Jefferson Heights")
(2) CW Residential District ("Cammack Woods" including Mountain Home addition)
(3) PE Residential District ("Palisades Estates subdivision of Cammack Village")
(4) PP Residential District ("Pinnacle Point")

3.2 Public Use Buildings
Those nonresidential uses of land in Cammack Village such as Jefferson Elementary School and the grounds, the City Complex, and parks and public recreational areas are herein and on the Zoning Districts Map designated as "PUB".

3.3 Original City District (OC)
Unlike most land within Cammack Village which developed from platted subdivisions with recorded bills of assurance, land within this district remains in metes and bounds with no recorded bills of assurance. This district is established in order to protect the character of this area to operate as an area for low intensity quiet office use and public use buildings.

SECTION 4. PERMITTED USES IN ZONING DISTRICTS

The uses permitted in each zoning district are set forth below. Even though each residential district confines its principal use to single-family detached residential, there is some variation in permitted accessory buildings in the residential districts. The basis for the variation is the "Bill of Assurance" which accompanies the subdivision of each district. The Public Use Buildings(PUB) is not regulated by Bills of Assurance.
Assurance, therefore, the permitted uses are general in character but are those which are compatible with the needs and which support the function of a uniquely residential community. (Excerpts from Bills of Assurance are shown in italics). If a use is not specifically listed as permitted within a zone, then that use is not allowed.

4.1 Residential Districts

(1) JH Residential District
a. Permitted Uses:
   * "All lots in the addition shall be known and described as residential lots, and no structure shall be erected on any residential lot other than one detached single family, plus a private garage for not more than two cars and one servants' room."

b. Area Requirements:
   * "No building shall be erected on any lot nearer to the front lot line than the building line for that lot as shown on the plat to this addition."
   * "Open porches, steps, stoops and chimneys may project over the building line, but no enclosed porch, entrance or room shall extend over said building line as shown on the plat."
   * "The ground floor square foot area of any dwelling constructed on any one of the lots numbered 1 to 29, both inclusive, shall be at least 1,000 square feet and a minimum of 850 square feet ground floor area for lots numbered from 30 to 41, both inclusive."

(2) CW Residential District
a. Permitted Uses:
   * "All lots or plots in the tract shall be known and described as residential lots with no exceptions, and no structures shall be altered, placed or permitted to remain on any residential building lot or plot other than one detached single family dwelling...or a private garage for not more than two cars."

b. Area Requirements:
   * "No building shall be located nearer to the front lot line or nearer to the side street line than the building setback lines shown on the recorded plat. In any event, no building shall be located on any residential building plat nearer than 30 feet to the front lot line (minimum) or 70 feet (maximum) and 10 feet side street line."
   * "No residential structure shall be erected or placed on any building lot or plot, which lot or plot has an area of less than 5,900 square feet or a width of less than 50 feet at the front building setback line, except that a building may be erected or placed on lots 239, 240, 241, 272, 273, 274, 275, 300, 301, 302, and 303 as shown on recorded plat."
   * "The ground floor area of the main structure, exclusive of one-story, open porches and garages, shall be no less than 800 square feet, except that structures of more than one story may have a minimum of 600 square feet on first floor."

(3) PE Residential District
a. Permitted Uses:
   * one detached single-family residence per lot.
   * "Except as now constructed, no outbuildings, garages, or servants' quarters detached from the main residence, shall be constructed on any of the lots, blocks,
plots, or parcels of real estate situated within the bounds of said subdivision except that on lots A, B, C, D, E, and F, outbuildings may be erected over crest of hill north of Palisades Drive, but no closer than the 550 foot contour line as shown on said plat, to the end that the same may not be visible from 580 foot contour line.”

b. Area Requirements:

*“All residences erected on lots A, B, C, D, and E, shall front south on Palisades Drive and the setback building lines of same shall be as follows:
  Lot A: no closer to north line of Palisades Drive than 75 feet.
  Lot B: no closer to north line of Palisades Drive than 90 feet.
  Lot C: no closer to north line of Palisades Drive than 105 feet.
  Lot D: no closer to north line of Palisades Drive than 120 feet.
  Lot E: no closer to north line of Palisades Drive than 135 feet.”

*“All residences constructed on lots A, B, C, D, and E, to be no closer than 35 feet of east or west side lines, (as the case may be), of said lots.”

*“All residences constructed on lots H, I, J, K and L, to front north on Palisades Drive, setback lines to be as follows:
  All residences constructed on said last mentioned lots to be no closer to south line of Palisades Drive than 100 feet; nor closer to each east or west line, (as the case may be), than 35 feet; nor closer than 100 feet from the north line of Greenwood Road.”

*“All residences constructed on lots 1 to 9, inclusive . . . and on lot 10 . . . and on lots 11 and 12 and 13 . . . all of the aforesaid residences to face north, the building setback line to be no closer to the south boundary line of Greenwood Road (being the north line of said lots), than 50 feet.”

*“All residences constructed on lots G and M, shall face east; and the building setback lines shall be no closer to west boundary line of Palisades Drive, than 100 feet.”

*“All residences constructed on lot N are to face south, the building setback line to be no closer to the north boundary line of Greenwood Road, than 50 feet.”

(4) PP Residential District

a. Permitted Uses:

* One detached single-family residence per lot.

*“Outbuildings, garages, or servants’ quarters, detached from the main residence, which may be constructed on lots numbered from 1 to 11 inclusive, shall not be closer than 200 feet from the front property line and on lots numbered from 12 to 21 inclusive, shall not be closer than 150 feet from the front property line.”

b. Area Requirements

*“All residences erected on lots numbered 1 to 11 inclusive, shall front on Sunset Drive and all residences erected on lots numbered 1 to 11 inclusive, shall front southwesterly on Sunset Drive and all residences on all lots shall be setback at least seventy-five (75) feet from the front property line and any residence on lot no. 21 shall be setback at least 30 feet from Pine Valley Road, all as shown on said plat.”

(5) General Requirements for All Residential Districts.
The Bills of Assurance for the subdivisions of Cammack Village do not spe-
cifically regulate the setback of buildings from side and rear lot lines. To remedy the omission, the following requirement shall apply to all residential districts:

a. No structure shall be erected on any residential lot within the following minimum setback requirements:
   • Side yard (each side). Equal to ten (10) per cent of the established front lot width at building line.
   • Rear yard. Twenty-five (25) feet.

b. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

c. No structures or buildings on any lot shall exceed two and one-half stories (2 1/2) or 30 feet.

d. No noxious or offensive trade or activity shall be carried on (conducted) upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

4.2 Public Use Building (PUD) District

a. Permitted Uses
   • Public schools
   • Parks and playgrounds
   • Municipal buildings
   • Bike ways/pedestrian ways

b. Height Regulations. No building or structure hereafter erected or structurally altered shall exceed a height of two and one-half stories or 30 feet.

c. Area Regulations
   • Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
   • Side yard. There shall be a side yard on each side of the building having a width of not less than ten (10) feet.
   • Rear yard. The rear yard shall have a depth of not less than fifteen (15) feet.

4.3 Original City District (OC)

a. Permitted Uses
   • Quiet Office
   • All uses in the Public Use Building District (PUB)

b. Height Regulations
   • Same as Public Use Building District (PUB)
c. Area Regulations
   - The front, side, and rear yards shall be the distances from the footprint of the existing building to the individual lot lines; confining all permitted uses to the building footprint square footage which existed, as of October, 1997.
   - The total lot area and lot width shall not be reduced from the existing lot dimensions as described by metes and bounds, as of October, 1997

SECTION 5. EXCEPTIONS TO REGULATIONS

The lot, yard, and height requirements and regulations set forth in Section 4 shall be subject to the following exceptions, modifications, and interpretations:

5.1 Rear Yard Exceptions
   In computing the required depth of a rear yard for any building where such yard abuts on an easement, the depth of the lot may be considered as extending to the center of said easement, and the required depth of the rear yard as being measured from the center line of said easement.

5.2 Projections Into Required Yards
   5.2.1 Certain Architectural Features
      Certain architectural features may project into required yards as follows:
      (1) Cornices, canopies, eaves, or other architectural features may project a distance not exceeding 2.5 feet.

      (2) Uncovered steps, ramps and landings may project a distance not exceeding 4 feet or as required under the Americans with Disabilities Act.

      (3) Bay windows, balconies, and chimneys may project a distance not exceeding 2 feet, and in aggregate not to exceed one-third the length of the building wall on which they are located.

   5.2.2 Fences, Walls, or Hedges
      On any corner lot, no fence, wall, hedge, or other structure or planting more than three feet in height above the street level shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards.

5.3 Height Exceptions
   Upon favorable recommendation to the Board of Adjustment by the Chief of the Camnack Village Voluntary Fire Department, height limitations may be extended in the Public Use Building District (PUB) commensurate with the department's ability to pump water.
SECTION 6. GENERAL PROVISIONS

6.1 Accessory Buildings
Provided the Bill of Assurance of individual districts permit accessory buildings, an accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building.
An accessory building attached to the principal building shall be made structurally a part of, and have a common wall with, the principal building and shall comply in all respects with the requirements of these regulations applicable to the principal building. Unless so attached, an accessory building in a residential district shall be located on the rear one-half of the lot at a distance not less than ten feet from any dwelling existing or under construction on the same or adjacent lot. Accessory buildings shall not be located closer to any interior lot line than five feet, but such building may be located within one foot of an easement where such easement abuts on the rear line of the lot. In the case of a corner lot, said accessory building shall not project beyond the required building line on the adjacent lots. Districts PE and PP regulate the placement of accessory buildings as related to topography.

6.2 Accessory Uses
Accessory buildings, if permitted, may be used for garages, storage of household goods, not for profit greenhouses, hobbies and the like.

6.3 Nonconforming Uses
6.3.1 Continuing Existing Nonconforming Uses
Any use of land, building, or structure existing at the time of the enactment of these regulations may be continued even though such use, building, or structure may not conform with the provisions of these regulations for the district in which it is located.

6.3.2 Limitations on Nonconforming Uses
A nonconforming use of a building or land shall not be changed, extended, reconstructed, enlarged or structurally altered unless:
(a) Such change is required by law or order.
(b) Authority is granted by the Board of Zoning Adjustment.
(c) Such repairs and maintenance work are required to keep the building structurally sound.

6.3.3 Cessation of Nonconforming Use
A lawful nonconforming use of a building or structure, or land, that has been voluntarily discontinued for a period of six calendar months shall not thereafter be resumed. Whenever a nonconforming use has been changed to a conforming one, such use shall not thereafter be changed to a nonconforming use.

6.3.4 Replacement of Damaged or Destroyed Nonconforming Uses
Any nonconforming building or structure damaged beyond 60 percent of its than replacement or market value, exclusive of foundations, as established by
the County Assessor for tax purposes, by fire, flood, explosion, wind, earthquakes, or other calamity or act of God, shall not be restored or reconstituted and used as before such damage; but, if less than 60 percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided such restoration be completed within 12 months of such happening.

6.4 Off-Street Parking
In all zoning districts in connection with residential, or any other use, there shall be provided at the time a building or structure is erected, enlarged, or increased in capacity, or any other use established, off-street parking space for motor vehicles in accordance with the requirements set forth in this Subsection.

Each off-street parking space shall have an area of at least 10 feet wide and 20 feet long. There shall be an access drive leading from the street to the parking space of at least 10 feet in width.

6.4.1 Minimum Off-Street Parking Requirements
a. Residential - One off-street parking space for each dwelling unit.

b. Institutional - Public - The lessor of:
   (i) The existing parking ration; or
   (ii) One off-street parking space for each four seats. School auditorium, city hall, etc.

6.5 Rear Dwellings
No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to the Bill of Assurance of the zoning district and to all yard and off-street parking requirements of these regulations. There shall also be provided to any such rear dwelling an unoccupied, unobstructed access way not less than 10 feet wide leading to a public street.

SECTION 7. SPECIAL PROVISIONS

7.1 General
Subsections 7.2 through 7.6 describe the special conditions under which certain activities are permitted in a zoning district.

7.2 Flammable Liquids and Gases, Storage of:
The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

7.3 Home Occupations
Home occupations shall not be permitted that will:
(1) Change the outside appearance of the dwelling or provide product display visible off premise;
(2) Generate traffic, parking, sewage or water use in excess of what is normal in the neighborhood;
(3) Create a hazard to person or property, result in electrical interference or becomes a nuisance;
(4) Result in outside storage or display of any material or product;
(5) Involve accessory buildings; nor
(6) Utilize more than 25 per cent of the dwelling floor area.

7.4 On-Site Construction
No buildings or structures intended for habitation as a residence shall be placed on any lot in Cammack Village unless said building or structure shall have been constructed entirely of conventional building materials on the lot intended for permanent placement.

7.5 Mobile Homes and Manufactured Homes
No mobile homes or manufactured homes may be placed on a lot or lots in the City of Cammack Village.

7.6 Signs and Sign Structures
No signs, sign structures or billboards shall be placed or erected in the City of Cammack Village except the following:
(1) Signs placed by the city for city purposes, such as information, safety and regulation.

(2) Civic organizations, schools and the like may display signs or banners announcing activities of general public interest. Signs and banners such as these shall be placed only on public property; removed within five (5) working days following the termination of the announced activity; and displayed for a maximum of thirty (30) days per year.

(3) Signs advertising property for sale or rent shall be limited to one (1) sign per street frontage for each subject lot and shall be no larger than three (3) square feet. Directional, off-premise open house signs may be placed along appropriate streets for a period not to exceed three (3) days and shall be no larger than three (3) square feet also.

(4) Political signs are limited to a period not to exceed 60 days prior to and 10 days following the election date.

(5) Signage in the Original City District shall (a) be limited to one (1) sign, attached to the building, (b) not exceed a total of nine (9) square feet in size and (c) not be comprised of neon or provided illumination of any kind.
SECTION 8. BOARD OF ZONING ADJUSTMENT

8.1 Creation and Appointment
The Board of Zoning Adjustment is hereby created and shall consist of five (5) Cammack Village residents of whom shall reside on different streets within the City of Cammack Village. Said residents shall be appointed by the Mayor and approved by the City Council. In the event a vacancy occurs under any condition, a successor shall be appointed by the Mayor within 60 days and confirmed by a majority vote of the City Council.

8.2 Organization
A chairman, vice-chairman, and secretary shall be annually elected by the Board members. The duties of the chairman shall be to preside at all meetings, decide points of order, administer oath and compel the attendance of witnesses. The vice-chairman shall rule in absence of the chairman.

The Board shall meet a minimum of once each calendar quarter, but meetings may be called at any time, at such places in the City as the Chairman may designate, and shall be open to the public. Minutes of all proceedings shall be maintained and shall be on public record in the office of the City Clerk. The presence of four members shall be necessary to constitute a quorum, and the concurring vote of three members shall be necessary to make official any action by the Board.

8.3 Powers and Duties of the Board
The Board of Zoning Adjustment shall have all of the powers and duties prescribed by law and these regulations, which are more particularly described as follows:

8.3.1 Appeals
Hear and decide appeals from the decision of the enforcement officer of these regulations where it is alleged there is an error of law in any order, requirement, decision, or determination made by said enforcement officer. The Board may affirm or reverse in whole or in part the decision of the enforcement officer.

8.3.2 Variances
Hear and decide requests for variances from the literal provisions of these regulations in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration. The Board shall not permit as a variance any use in any zoning district that is not a permitted use in such district. A variance may be granted in the following instances only:

Where by reason of exceptional narrowness, shallowness, depth or shape or other extraordinary situation or condition of a specific piece of property of record on the date of the passage of these regulations where the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
8.4 Procedure for Appeals to the Board

8.4.1 Application and Public Hearing
Appeals may be taken to the Board by any person affected by a decision of the enforcement officer of these regulations. All appeals shall be made in writing and filed with the Secretary of the Board, specifying the grounds for such appeal. The Board shall fix a reasonable time for a public hearing on the appeal. A public notice shall be published at the applicant's expense at least once not less than seven days preceding the date of such hearing, in the Cammack Periodical or a newspaper of general circulation in Cammack Village. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of the reason for the appeal.

8.4.2 Fee
The fee for any appeal to the Board of Zoning Adjustment shall be $25.00, no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk all fees collected.

8.5 Appeals to the Court
All decisions of the Board of Zoning Adjustment shall be subject to appeal only to a court of record having jurisdiction.

SECTION 9. ENFORCEMENT AND PENALTY FOR VIOLATION

9.1 Enforcement Officer
The provisions of these regulations shall be administered by an enforcement officer designated by the City Council.

The City of Cammack Village or any property owner may request an injunction against any property owner in violation of these regulations, or may mandamus any official to enforce the provisions thereof.

9.2 Building Permit
9.2.1 Permit Required
After the effective date of these regulations, a building permit shall be required before work may be commenced on the construction or the excavation for the construction of any building or structure, or the moving or alteration of any building within the city limits of Cammack Village.

A permit to build or alter will be issued only after the application has been approved by the enforcement officer, as meeting the requirements of these regulations. All applications shall be accompanied by a plan in triplicate drawn to scale and showing actual dimensions of the lot, building size, and its location on the lot, and such other information as may be necessary when alteration is involved. A record of such application and plats shall be kept in the office of the City Clerk.
9.2.2 Fee
The fee for a building permit shall be as determined by the City Council of Cammack Village.

9.2.3 Copy of approved permit must be posted on job site and visible from the street

9.3 Penalty for Violation
Violation or any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, corporation, or firm will be subject to penalties provided below.

9.3.1 Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any provision of this regulation shall be fined not less than fifty dollars ($50.00), but not more than five hundred dollars ($500.00) for each offense or violation. If the offense or violation is continuous in respect to time, the maximum penalty or fine shall not exceed two hundred fifty dollars ($250.00) for each day the offense or violation may be unlawfully continued.

9.3.2 When, in the judgement of the enforcement officer, a violation of this chapter exists, the enforcement officer shall issue a written order to the alleged violator. The order shall specify the or those section/s of this regulation of which the person may be in violation and the order shall be in a form and content as specified by the City Attorney of Cammack Village to meet the intent of this (9.3) section.

9.4 Certificate of Occupancy Required
No new structure or addition to an existing structure shall be occupied and no use of a building shall be changed unless a Certificate of Occupancy is issued therefore by the enforcement officer.

9.4.1 Procedure
(1) Application
A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit.

(2) Action on Application
The Enforcement Officer shall inspect the property which is the subject of an application within a reasonable time, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Cammack Village. If the premises do not so comply, the Enforcement Officer shall deny the application within five (5) days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure of development does not comply.

(3) Contents of Certificates of Occupancy
Information required for submission to obtain a Certificate of Occupancy shall include:
(a) Name of applicant.
(b) Nature and extent of the applicant's ownership interest in the subject property.
(c) Address of the property for which a Certificate is requested.
(d) A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.
(e) If a site plan or other conditional approval for the structure or the development of which such structure is a part was required, a copy of any document granting such approval and any plans approved in connection therewith.
(f) Such other information as requested by the Enforcement Officer to insure conformance with applicable development regulations.

(4) Temporary Certificates of Occupancy
A temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building.

A Temporary Certificate of Occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use of occupancy of any other matter required by this section.

SECTION 10. AMENDMENT

These regulations may be amended by changing the boundaries of the zoning districts or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

10.1 Application for Amendment
An application for amendment may be initiated by the City Council, the Planning Commission, or by one or more owners or lessees of land affected by the proposed amendment. Such application must be filed with the Secretary of the Planning Commission seven or more days prior to the date consideration of the amendment is requested.

10.2 Procedure for Amendment
Upon filing an application for amendment with the Secretary of the Planning Commission, these regulations may be amended by the following procedure:
(1) The Planning Commission shall hold a public hearing on the proposed amendment not less than 15 days after notice of such hearing has been published in the Cammack Periodical or a newspaper of general circulation in Cammack Village. The notice shall be published at the applicant's expense and shall give the time and place of the hearing and the proposed change. In addition, any petition seeking a zoning amendment will be re-
required to notify by certified letter and/or petition, all property owners within two hundred (200) feet of the subject property his intentions to rezone within fifteen (15) days of the scheduled public hearing, and the return receipts for the letters shall be entered in the minutes of the public hearing. The petitioner shall state the date and time of the public hearing, and zoning request with a certified letter and/or petition.

(2) The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.

(3) Following such vote, the Planning Commission shall certify its recommenda-
tions to the City Council.

(4) The City Council may return the proposed amendment to the Planning Com-
misson for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission.

(5) If the Planning Commission disapproves the proposed amendment, the pro-
onponent may appeal to the City Council, which shall review the action and may approve the proposed amendment only by not less than three-fourths vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one copy to the Planning Commission, which will prepare and transmit a report to the City Council, stating why the proposed amend-
ment was disapproved.

(6) Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the office of the City Clerk.

10.3 Fee
The application fee for an amendment to these regulations shall be $25.00, but shall not apply to City or Planning Commission.

10.4 Resubmission of Application
No resubmission of a zoning amendment application will be allowed within 12 months after the date of action by the Planning Commission or City Council, unless the City Council or Planning Commission deems a substantial reason exists for waiving this limitation.

SECTION 11. DEFINITIONS

For the purpose of these regulations, the words and phrases listed below shall have the fol-

Accessory Building-Outbuilding.—A building which is clearly incidental to and customarily found in connection with, and located on the same lot with the principal structure.
Accessory Use — A use incidental to the principal use, as a garage for storage of a motor vehicle by the occupant of a residence, or a hobby work shop, storage of household goods or the like.

Alteration — Work that is performed on any building, principal or accessory that involves the addition or deletion to the square footage of the floor area; the relocation or removal or addition of a bearing wall; or the change in area, pitch, configuration, or height of a building roof. Normal maintenance and “fix-up” procedures as the addition of siding, roofing, painting (interior or exterior), wall paper, dry wall or other activities which in the opinion of the building enforcement officer constitutes normal maintenance shall not be construed to be alteration. See the Building Code concerning installation or alteration of plumbing or electrical facilities (Ord. 95-7).

Area — The amount of land surface in a lot or parcel of land.

Building — Any structure having a roof supported by walls or columns, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Coverage, Lot or Site — The percentage of the lot or site area permitted to be covered by a building or buildings.

Discontinuance of a Nonconforming Open Use of Land or Sign — The discontinuance of the activity and removal of all nonconforming above-surface improvements, equipment, signs, goods, and material.

District, Zoning — A portion of the territory of the City of Cammack Village within which certain uniform regulations and requirements apply under these regulations.

Dwelling Detached — A building or portion thereof intended to be occupied as a housekeeping unit with no attachment to any other housekeeping unit.

Enforcement Officer/Building Officer — An individual designated by the City Council charged with the responsibilities of administration of the zoning, code and sign regulations.

Family — One or more persons occupying premises and living as a single, non-profit housekeeping unit.

Foot Print — The exact perimeter of a building or structure at its point of attachment to the ground.

Home Occupation — Use of the principal structure or an accessory building on a lot, when the use is for gainful employment involving the manufacture, production, fabrication, or provision or sale of goods and/or services.

Lot — Platted land occupied or to be occupied by a structure or use, and including such open spaces as are required under these regulations, and having its principal frontage on a public street or road.
Mobile Home — Any vehicle or similar portable structure originally having no foundation other than wheels, jacks, or skirting, and designed for dwelling or sleeping purposes.

Nonconforming Use — Any building or land lawfully occupied by a use at the time of passage of these regulations which does not conform with the use regulations of the district in which it is located.

Open Space — Any occupied space on the lot which is open and unobstructed to the sky.

Parking Space — A space at least 20 feet long and 10 feet wide, excluding the area necessary for access, for the parking of automobiles.

Principal Building — A building in which is conducted the principal use of the building site on which it is located.

Principal Building or Use — The chief or main use of a structure or land.

Story — That portion of a building included between the upper surface of any floor and the ceiling next above. A basement shall not be counted a story except if its height above ground level averages above four feet.

Street — A public way wider than 20 feet, established or maintained under public authority.

Structure — Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner; or a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Yard — An open, unoccupied space extending between a building and a property line.

Yard, Side, Exterior — A side yard abutting on a street

SECTION 12. VALIDITY

12.1 Validity
Should any section, subsection, paragraph, clause, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared invalid.

12.2 Conflict
Any portion of Ordinance 95-6, or any other prior ordinance to the extent such ordinance is in conflict, is hereby repealed. Ordinance 95-8 is specifically repealed and replaced by these regulations.

City of Camnack Village
APPENDIX A: EXCERPTS FROM BILLS OF ASSURANCE

1. Cammack Woods
   A. All lots or plots in the tract (Cammack Woods) shall be known and described as residential lots with no exceptions and no structures altered, placed or permitted to remain on any residential building lot or plot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.
   B. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall be at any time used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

2. Pinnacle Point
   A. All residences which may be constructed on said lots shall be of proper architectural design and construction; and, as far as is reasonably possible in keeping with the designs which will not be out of harmony, from an architectural standpoint, with the designs of other residences in said subdivision of like construction and cost.
   B. Outbuildings, garages or servants quarters, detached from the main residence, which may be constructed on lots numbered from 1 to 11 inclusive, shall not be closer than 200 feet from the front property line, and on lots numbered from 12-21 inclusive, shall not be closer than 150 feet from the front property line.
   C. All residences on all lots shall be setback at least seventy five (75) feet from the front property line and any residence on lot No. 21 shall be setback at least thirty (30) feet from Pine Valley Road, as shown on said plot.

3. Palisades Estates
   A. All residences which may be constructed on lots “A” to “N”, inclusive, shall be of proper architectural design and construction; and, as far as is reasonably possible, in keeping with designs which will not be completely out of harmony, from an architectural standpoint, with the designs of other residences in said subdivision, of like construction costs.
   B. Except as now constructed, no outbuildings, garages, or servants’ quarters, detached from the main residence, shall be constructed on any of the lots, blocks, plots, or parcels of real-estate situated within the bounds of said subdivision, except that on Lots “A”, “B”, “C”, “D”, “E”, and “F”, outbuildings may be erected over crest of hill North of Palisades Drive; but no closer than the 550 ft. contour line as shown on said plat, to the end that same may not be visible from 580 ft. contour line.
   C. All residences erected on Lots “A”, “B”, “C”, “D”, and “E”, shall front South on Palisades Drive; and the setback building lines of same shall be, as follows:
      Lot “A”:
      No closer to North Line of Palisades Drive than 75 feet.
Lot "B": No closer to North Line of Palisades Drive than 90 feet.
Lot "C": No closer to North Line of Palisades Drive than 105 feet.
Lot "D": No closer to North Line of Palisades Drive than 120 feet.
Lot "E": No closer to North Line of Palisades Drive than 135 feet.

D. All residences constructed on Lots "A", "B", "C", "D", and "E", to be no closer than 35 feet of East or West side lines, (as the case may be), of said lots.

E. All residences constructed on Lots "H", "T", "J", "K", and "L", to front North on Palisades Drive, setback lines to be, as follows:

All residences constructed on said last mentioned lots to be no closer to South line of Palisades Drive than 100 feet; nor closer to each East or West line, (as the case may be), than 35 feet; nor closer than 100 feet from the North line of Greenwood Road.

F. All residences constructed on Lots "1" to "9", inclusive, all of the aforesaid residences to face North, the building setback line to be no closer to the South boundary line of Greenwood Road (being the North line of said lots), than 50 feet.

G. All residences constructed on lots "O", and "M", shall face East; and the building setback lines shall be no closer to West boundary line of Palisades Drive, than 100 feet.

H. All residences constructed on Lot "N" are to face South, the building setback line to be no closer to the North boundary line of Greenwood Road, than 50 feet.

I. No residence, or other building, shall be constructed on any of the real-estate situated within the bounds of said subdivision which, as could be reasonably anticipated, or contemplated, would create a fire hazard, of itself.

J. Where, in this Bill of Assurance, the word "constructed" is used, same shall be read and construed, synonymously, with the word "erected".

4. Jefferson Heights Subdivision

A. All lots in the addition shall be known and described as residential lots, and no structure shall be erected on any residential lot other than one detached single-family, a private garage for not more than two cars and one servant’s room.

B. No building shall be erected on any lot nearer to the front lot line than the building line for that lot as shown on the plat to this addition.

C. Open porches, steps, stoops and chimneys may project over the building line, but no enclosed porch, entrance or room shall extend over said building line as shown on the plat.
ORDINANCE NO. 97-8

AN ORDINANCE APPROVING AND ADOPTING A COMPREHENSIVE DEVELOPMENT PLAN AND ZONING REGULATIONS FOR THE CITY OF CAMMACK VILLAGE, ARKANSAS SUBMITTED BY THE PLANNING COMMISSION OF THE CITY OF CAMMACK VILLAGE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the Planning Commission for the City of Cammack Village, Arkansas, was established by the City Council of the City of Cammack Village to explore ideas for certain changes and improvements in the development plan and zoning regulations for the City;

WHEREAS, the City Council of the City of Cammack Village has received from the Planning Commission of the City of Cammack Village, Arkansas a proposed comprehensive development plan and zoning regulation for the City of Cammack Village;

WHEREAS, the City Council of the City of Cammack Village, Arkansas desires to approve and adopt the changes and improvements for a comprehensive development plan and zoning regulations as submitted by the Planning Commission of the City of Cammack Village, Arkansas and in substantially the same form as is attached to this Ordinance and incorporated herein by reference.

WHEREAS, the City Council of the City of Cammack Village, Arkansas finds and determines that the passage of a comprehensive development plan and zoning regulations for the City of Cammack Village is essential for the orderly administration and operation of the City of Cammack Village, Arkansas and an emergency is declared to exist, and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect on and after the date of its passage.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Cammack Village, Arkansas approves and adopts the comprehensive development plan and zoning regulations submitted by the Planning Commission of the City of Cammack Village, Arkansas in substantially the same form as is attached to this Ordinance and incorporated by reference. Further, the City Council of the City of Cammack Village, Arkansas approves and adopts the emergency clause contained in this Ordinance as it is necessary for the preservation of public peace, health and safety of the City of Cammack Village, Arkansas.

THIS ORDINANCE PASSED IN REGULAR SESSION ON THE 6th DAY OF JANUARY, 1998.

APPROVED:

[Signature]

HARRY A. LIGHT, MAYOR

DATE: 1/13/98

ATTEST:

[Signature]

LOU ANN GRAY, CITY RECORDER

DATE: 1/13/98
D. The ground floor square foot area of any dwelling constructed on any one of the lots numbered from 1 to 29, both inclusive, shall be at least 1000 square feet and a minimum of 850 square feet ground floor area for lots numbered from 30 to 41, both inclusive.

E. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on any lot in the addition shall at any time be used as a residence, temporarily or permanently; nor shall any residence of a temporary character be permitted.

F. No buildings, fences, porte-cochere, incinerators, paved driveways, or any other permanent improvement of any kind or nature whatsoever, or any trees or similar obstructions of any kind whatsoever, whether herein specifically enumerated or not, shall be built or maintained within the area of any of the easements shown on the plat, and in the event any such obstruction is placed thereon in violation of this restriction and reservation, no utility will be liable for the destruction of the same in maintaining or repairing its lines located within the area of said easement.