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**ORDINANCE NUMBER 2020-07**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRYANT TO THE BRYANT ZONING CODE AND LANDSCAPING CODE.**

**WHEREAS**, the City of Bryant established the Bryant Zoning Regulations under Ordinance 99-16 dated September 27, 1999; and

**WHEREAS**, the Bryant Planning Commission has prepared new regulations to implement the needed changes to the Zoning Regulations; and

**WHEREAS**, the Planning Commission of the City of Bryant, Arkansas conducted a duly advertised public hearing concerning the proposed regulations, subsequent to which they credited the proposed regulation to the City Council for its adoption.

**NOW, THEREFORE, BE IT ORDANED BY THE CITY COUNCIL OF THE CITY OF BRYANT ARKANSAS:**

**Section 1. Adoption**

The City of Bryant does hereby adopt the attached sections of the Zoning Regulations of the City of Bryant shall be amended by reference as a technical code amendment pursuant to A.C.A. 14-55-207.

**Section 2. Codification**

The City of Bryant City Council does hereby direct the Planning and Community Development Director to codify and organize these adopted sections with the Zoning Code in a proper manner.

Until the time that these Zoning Regulations are codified and organized by the Planning and Community Development Director, all properties with the zoning classifications of C-3 should be treated as C-2 and all properties with zoning classifications of O-1 should be treated as C-1.

**Section 3. General Repealer**

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

**Section 4. Severability**

Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force

and effect as if the portion so declared or adjudged or unconstitutional was not originally a part of the Ordinance.

**PASSED AND APPROVED** this 30 day of June, 2020.

  
Mayor Allen E. Scott

**ATTEST:**

**APPROVED AS TO FORM:**

  
Sue Ashcraft, City Clerk

## **Section 6.1: District Descriptions**

### **6.1.1 : Office and Quiet Commercial District O-1**

This district is established to accommodate offices and associated administrative, executive and professional uses, together with specified limited commercial and accessory uses. It is anticipated these office uses will be located in relatively close proximity to residential uses. District area regulations are designed to assure that these uses will be compatible with adjacent residential districts. The district is characterized by free-standing buildings and ancillary parking, and should generally be limited to arterial and collector street locations or other carefully selected areas where public utilities, community facilities and other public services are adequate to support general office and limited commercial development.

### **6.1.2 : Low Intensity Commercial District C-1**

(SOME EXISTING C-1 TRANSFERRED TO C-2)

This district is established to provide areas low intensity and smaller scale commercial uses within a more pedestrian friendly environment. It is anticipated this district will be located in close proximity to residential uses. The district is characterized by free-standing buildings with minimal front setbacks and ancillary parking. This district should be generally limited to collector and arterial street locations excluding Highway 5, Reynolds Road, or Interstate 30 and not intrude into established single-use neighborhoods.

### **6.1.3 : General Commercial District C-2**

(FORMER C-2 ALONG HWY 5 AND REYNOLDS ROAD)

This district is established for a broad range of retail uses which comprise the commercial function of the City. Permitted uses include most types of retail activity except those involving substantial open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible. This district is characterized by free-standing buildings and ancillary parking. This district should be generally limited to arterial corridors such as Reynolds Road and Highway 5.

### **6.1.4 : Outdoor Display Commercial District C-3**

(FORMER C-2 ALONG I-30)

This district is established for a broad range of commercial, quasi-commercial, and retail uses which may require outside storage of retail/bulk materials or generate significant traffic impacts. This district is characterized by large scale sites with free-standing buildings and the outside storage of retail and/or bulk materials. This district should be generally limited to the Interstate 30 corridor.

## **Section 6.2: Table of Uses**

### **6.2.1 : Use Descriptions and Requirements**

- A. Automobile Repair/Service: This unit includes one automobile repair, body, or service shop per lot and allows an incidental convenience store, with or without gas pumps, as an accessory use to the automobile repair or service. This unit does not allow the overnight outside storage of vehicles for more than five days. This use unit is generally limited to 10,000 square feet of floor space. This use unit does not permit the permanent (24 hour) outdoor display of merchandise, equipment, or products. This use unit does not involve hazardous materials other than

flammable petroleum type products; materials needed for auto body repair, and/or propane refills.

- B. Automobile Sales & Leasing – Small Lot: Any automobile sales and/or leasing establishment one acre or less in size. This unit does not include recreation vehicle, large commercial or industrial vehicle, or manufactured home sales.
- C. Automobile Sales & Leasing: Any automobile sales and/or leasing establishment. This unit does not include recreation vehicle, large commercial or industrial vehicle, or manufactured home sales.
- D. Child/Adult Care Centers: Uses that provide care for children or adults on a daily basis but not principally involving the overnight housing or medical care of children or adults.
- E. Churches and Places of Worship: A building set apart for public worship of any religion which, when permanently established, meets all federal, state, and local codes of development and construction.
- F. Commercial – General: Offices, shops (goods or services), restaurants and businesses that exceed the Office – Small Scale or Commercial – Small Scale Use Unit requirements and which generally do not exceed 10,000 square feet total floor space. This use unit permits one primary building per lot. Unmanned incidental or accessory buildings, such as ATM machines, are permitted on the same lot as the primary building. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This use does not permit permanent (24 hour) outdoor display of merchandise, equipment, or products. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the General Commercial Use Unit, provided the light fabrication use does not exceed the General Commercial Use Unit requirements. Convenience stores with restaurants or which exceed the Convenience Store Use Unit requirements are allowed in this unit.
- G. Commercial – Shopping Centers or Big Box Retailer: Uses that generally are 50,000 square feet or more such as big box retailers, shopping centers, and similar facilities. This unit does not include truck stops or involve hazardous materials other than flammable petroleum type products and/or propane refills. This use unit is generally suited for more than one primary building per lot. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the Shopping Center Commercial Use Unit.
- H. Commercial – Small Scale: One shop (goods or services), or non-drive-through retail establishment, per lot, which generally: does not exceed 5,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.
- I. Commercial Parking Lot/Garage: Parking lots or garages used commercially to provide off-street parking and storage.

- J. Contractor or Utility Equipment Parking/Storage Yard: The storage or parking of contractor or utility equipment.
- K. Convenience Store – Small Scale: A retail commercial establishment, not exceeding 2,500 square feet in gross floor area, supplying a limited range of food items, magazines, toiletries, and tobacco products to meet the day-to-day needs of residents in the immediate neighborhood and which may or may not include fuel sales. For establishments greater than 2,500 square feet, see "Convenience Store – Large Scale."
- L. Convenience Store – Large Scale: A retail commercial establishment supplying a limited range of food items, magazines, toiletries, and tobacco products and multiple fueling stations designed to meet the needs of the motoring public.
- M. Hazardous Materials Use or Storage: The use or storage of hazardous (i.e. flammable, corrosive, explosive, etc.) materials except as may be otherwise allowed for a separately listed use.
- N. Hotel/Motel – Large Scale: One hotel/motel per lot that exceed the Hotel/Motel – Small Scale requirements.
- O. Hotel/Motel – Small Scale: One hotel/motel per lot, having no more than 30 rooms for rent, all rented on a short-term (30-day maximum) basis, and generating no special sound load. This is intended to include bed and breakfasts.
- P. Industrial: General industrial uses such as manufacturing, assembling, or production of goods.
- Q. Institutional – Large: Government offices, schools, tax-exempt institutions, public or private healthcare facilities such as nursing homes, half-way houses, clubs, lodges and similar uses which exceed "small" unit requirements.
- R. Institutional– Small: One tax-exempt public or private institution, or public or private non-emergency healthcare facility, club, lodge, or similar use, per lot, which generally: does not exceed 5,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.
- S. Live/Work Unit: A commercial business/office with simultaneous residential occupation which is subject limitations provided in this code.
- T. Mining, Excavation, and Material Storage: The extraction, removal, or storage of clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand, or stone on the ground.
- U. Office – Small Scale: One office or studio, per lot, which generally: does not exceed 10,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings,

does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

- V. Office: Large Scale or High-Rise: One office or studio per lot that exceed the Office – Small Scale requirements.
- W. Open Display Commercial (No permanent - 24 hour - outside storage): Commercial uses that have merchandise on display outside during business hours, but that remove the merchandise from outside after business hours for storage. This use unit does not involve hazardous materials other than flammable petroleum type products. This additionally does not include small incidental vending stands or machines that are customary to retail sites.
- X. Open Display Commercial (With permanent - 24 hour - outside storage): Commercial uses that have permanent (24 hour) outdoor storage or display of merchandise, products, or equipment. This unit includes any automobile sales and/or leasing establishment greater than one acre, recreational vehicle sales, large commercial or industrial vehicle, and manufactured home sales. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This additionally does not include small incidental vending stands or machines that are customary to retail sites.
- Y. Personal Care: This use unit includes businesses and services providing personal services such as beauty shops, barber shops, tailors, shine parlors and similar businesses, to the individual.
- Z. Public/Semi-Public: Parks, community facilities, utility substations, and similar public facilities. This unit does not include sewage treatment plants. These uses generally relate to facilities where location is dictated by the service area and for which alternative locations are not feasible.
- AA. Recreational Vehicle Park: Short-term (30-day maximum) space rentals for overnight residency or camping.
- BB. Restaurant and Eating Establishment – Drive Through: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.
- CC. Restaurant and Eating Establishment – Non-drive Through: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.
- DD. Sales and/or Service Operations: This use unit generally includes operations such as heating and air repair and service, office showrooms, office warehouses, and similar facilities. This use unit is generally appropriate for industrial areas and possibly commercial areas, with certain limitations. This use unit generally does not involve hazardous materials other than flammable petroleum type products and/or propane refills.

EE. Salvage Yard/Wrecker Service: Salvage or junk yards and/or associated wrecker services.

FF. Self -Storage Facilities – External Access: Self-storage facilities such mini-storages, mini-warehouses, and similar facilities in which the individual storage bays accessed from the outside of the building.

GG. Self-Storage Facilities – Internal Access: Self-storage facilities such mini-storages, mini-warehouses, and similar facilities in which the individual storage bays accessed only from the inside of the building.

HH. Transitional Housing: Also known as “halfway housing,” housing designed to accommodate a defined group, not all related who are occupying premises and living as a single, nonprofit, managed housekeeping unit, as distinguished from a group occupying a commercial boarding or lodging house.

II. Veterinarian Clinic – Large Animals: This use unit includes the practice of veterinarian medicine and any associated boarding or kenneling that exceeds the Veterinarian Clinic-Small Animals use unit. Generally, this use unit includes veterinarian clinics that serve or board large animals such as cattle, horses, and other large animals.

JJ. Veterinarian Clinic – Small Animals: One veterinarian clinic and any associated boarding or kenneling per lot, which generally: does not serve or board large animals such as cattle, horses, or other large animals, does not exceed 5,000 square feet floor space, does not generate more than 150 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

#### 6.2.2 : **Table of Uses**

The permitted uses in each of the commercial districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a commercial zoning district, shall have these meanings:

“P” means that the listed use is permitted by right in that district.

“CU” means that the listed use is permitted subject to approval as a conditional use.

“X” means that the use is expressly prohibited.

<i>Permitted Uses</i>	<i>O-1</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>Special Provisions</i>
Accessory Structures and Uses	P	P	P	P	
Automobile Repair/Service	X	X	P	P	
Automobile Sales & Leasing – Small Lot	X	X	CU	P	
Automobile Sales & Leasing	X	X	X	P	

<i>Permitted Uses</i>	<i>O-1</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>Special Provisions</i>
Child/Adult Care Centers	P	P	P	P	
Churches and Places of Worship	P	P	P	P	
Commercial – General	X	CU	P	P	
Commercial – Shopping Centers or Big Box Retailer	X	X	P	P	
Commercial – Small Scale	CU	P	P	P	
Commercial Parking Lot/Garage	CU	CU	P	P	
Contractor or Utility Equipment Parking/Storage Yard	X	X	X	CU	
Convenience Store – Small Scale	X	CU	P	P	
Convenience Store – Large Scale	X	X	P	P	
Hazardous Materials Use or Storage	X	X	X	CU	
Hotel/Motel – Large Scale	X	CU	P	P	
Hotel/Motel – Small Scale	X	P	P	P	
Industrial	X	X	X	X	
Institutional – Large	X	CU	P	P	
Institutional– Small	P	P	P	P	
Live/Work Unit	P	P	P	P	
Mining, Excavation, and Material Storage	X	X	X	X	
Office – Small Scale	P	P	P	P	
Office: Large Scale or High-Rise	X	CU	P	P	
Outside Display Commercial (No permanent - 24 hour - outside storage)	X	CU	P	P	
Open Display Commercial (With permanent - 24 hour - outside storage)	X	X	CU	P	
Personal Care	P	P	P	P	
Public/Semi-Public	CU	P	P	P	
Recreational Vehicle Park	X	X	CU	P	
Restaurant and Eating Establishment – Drive Through	X	X	P	P	
Restaurant and Eating Establishment – Non-drive Through	X	CU	P	P	
Sales and/or Service Operations	X	X	P	P	
Salvage Yard/Wrecker Service	X	X	X	CU	
Self-Storage Facilities – External Access	X	X	CU	P	
Self-Storage Facilities – Internal Access	X	X	CU	P	
Transitional Housing	CU	CU	CU	X	
Veterinarian Clinic – Large Animals	X	X	P	P	
Veterinarian Clinic – Small Animals	X	CU	P	P	

### **Section 6.3: Area Requirements**

Every building and use built or located in a commercial district shall have the lot area and widths identified below. No buildings shall be built or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.



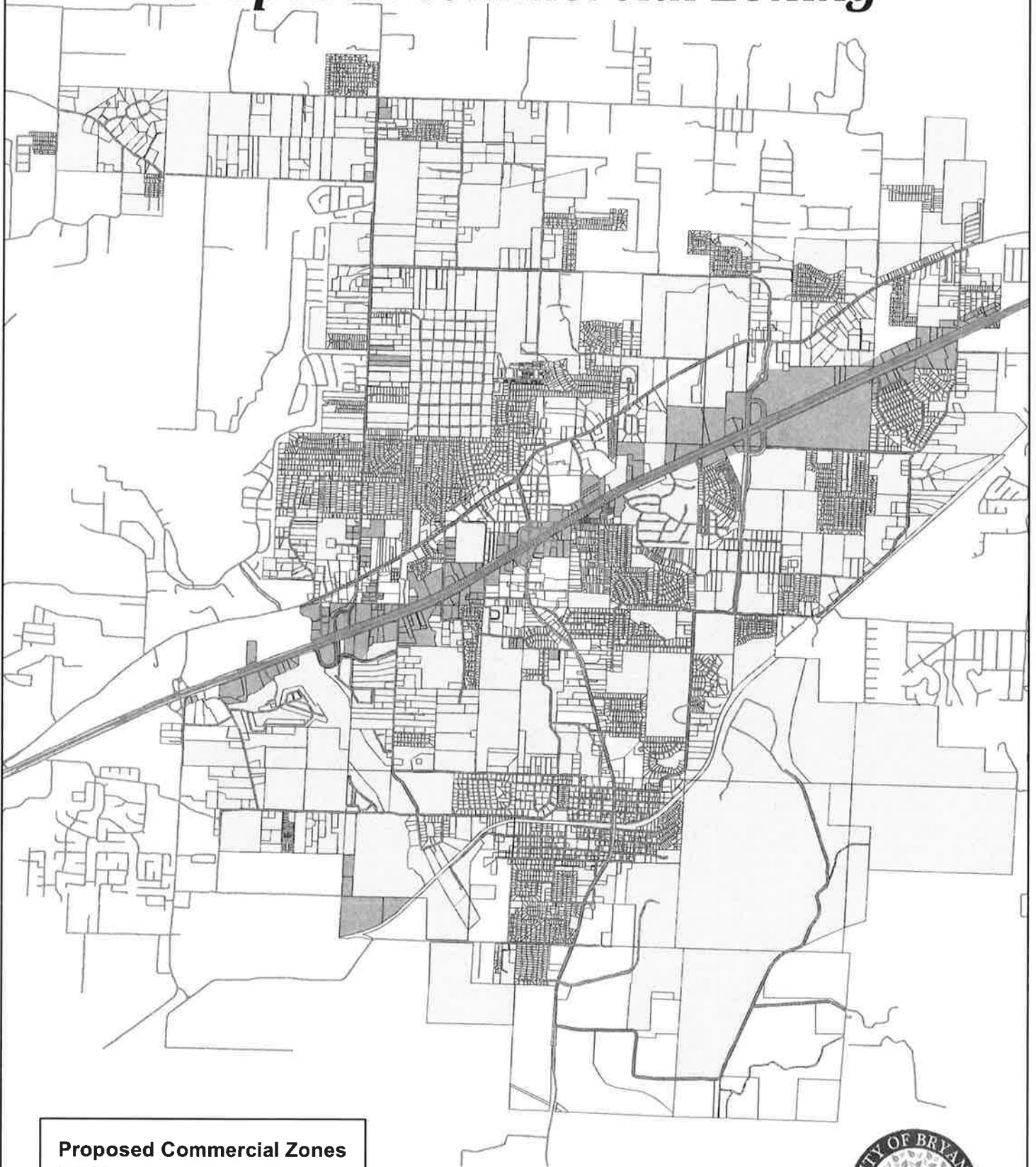
Yard (front, rear, interior, exterior) are identified in the definition section of this Code. Front, rear, interior, and exterior yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers, or necessary mechanical apparatus shall not be subject to the height requirements.




#### COMMERCIAL LOT, YARD & HEIGHT REQUIREMENTS

Zoning District	Min. Lot Area Square Feet	Max. Lot Coverage	Min. Lot Width	Setback Requirements				Max. Height
				Front	Interior	Exterior	Rear	Stories
O-1	5,000 sf*	50%	50 ft.	5' Min. 25' Max.	12'	5' Min. 25' Max.	20'	4
C-1	5,000 sf Min.* 65,343 sf Max.	50%	50 ft.	5' Min. 25' Max.	12'	5' Min. 25' Max.	20'	4
C-2	20,000 sf*	40%	100 ft.	15' Min.	15'	15' Min.	25'	4
C-3	43,560 sf*	35%	200 ft.	50' Min.	25'	50' Min.	25'	5
When adjacent to a residential district or single-family use, buffer multipliers apply. Also see landscape and buffering requirements. *Administrative Official can approve waiver up to 25%.*				N/A	23X Req.	N/A	3X Req.	

# ***Proposed Commercial Zoning***



## **Proposed Commercial Zones**

-  C-1 (Low Intensity)
-  C-2 (General)
-  C-3 (Outdoor Display)



Planning and Community Development