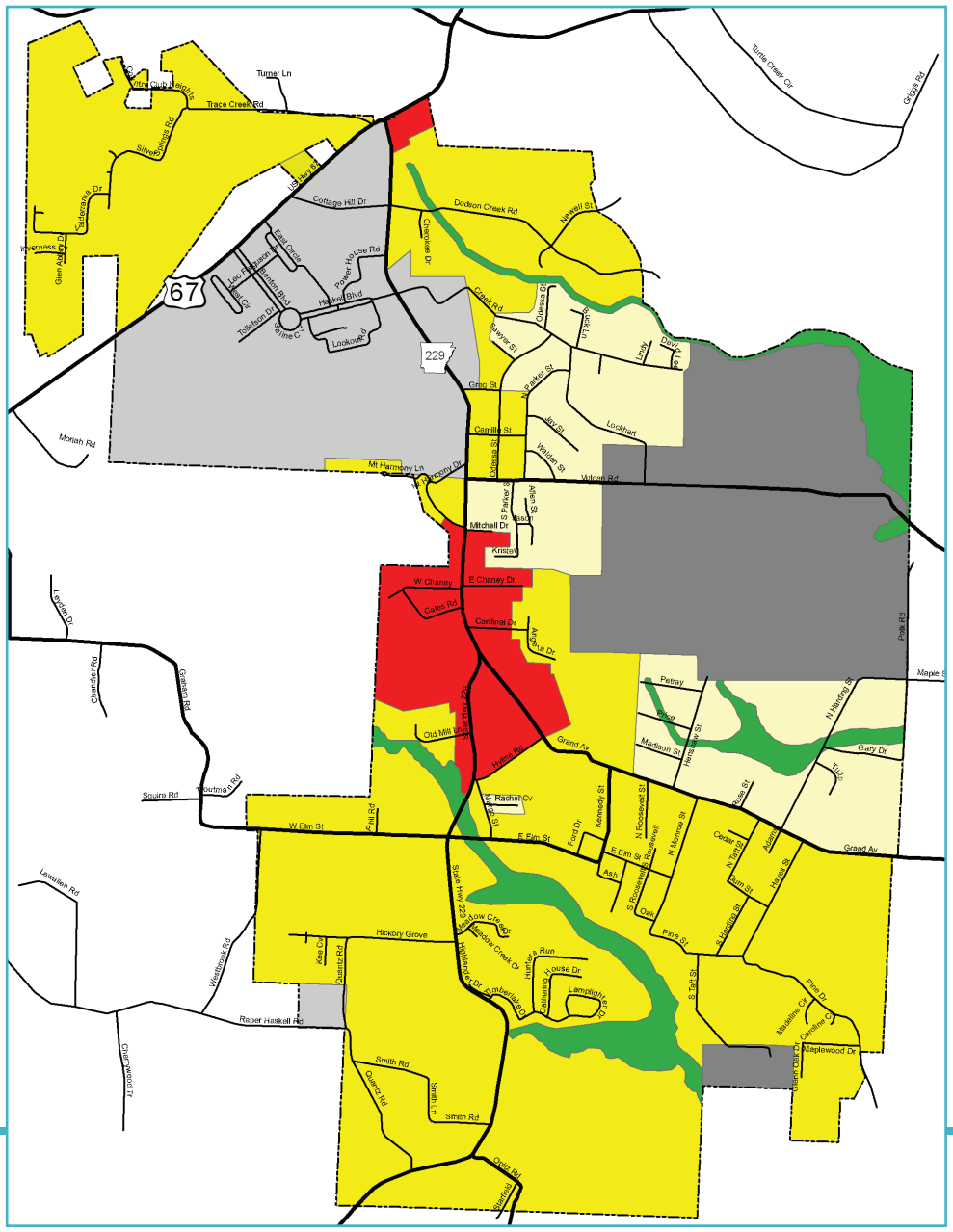
Zoning Regulations

for the

City of Haskell



*Updated Zoning Map Avaliable

Zoning Regulations

for

Haskell, Arkansas

Adopted by the
Haskell City Council
November 9, 2009

Prepared by
METROPLAN
A Council of Local Governments
501 West Markham - Suite B
Little Rock, Arkansas 72201

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Zoning Regulations
Haskell, Arkansas

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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, morals, and the general welfare of the citizens of the City of Haskell; 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.

1.3 Jurisdiction

The jurisdiction of these regulations shall include all land and structures within the corporate limits of the City of Haskell, Arkansas and as the corporate limits may subsequently change.

SECTION 2. Zoning Districts Map & General Requirements

2.1 Zoning Districts Map

The zoning districts are hereby established as shown on the map entitled: "Haskell, Arkansas, Zoning Districts", which is part of these regulations and which is on file in the office of the City Clerk. Said map and all notations, references, and date, and other information shown thereon shall be and are hereby adopted and made part of these regulations. The map may be revised from time to time. Copies of ordinances revising the map and regulation will be on file in the office of the City Clerk.

2.2 Zoning District Boundaries

Unless otherwise indicated on the Zoning Districts Map, the zoning district boundaries are lot lines, the center lines of streets or alleys or specified distance there from, railroad rights-of-way lines, 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 streets or property lines existing on the ground are at variance with those on the Zoning Districts Maps, the Planning Commission, upon written application, or its own motion, shall interpret and determine the location of such boundaries.

* 2.4 Zoning of Newly Annexed Areas

All areas which may hereafter be included within the zoning jurisdiction of the City of Haskell by annexation shall be governed by and subject to the requirements of the R1

*Ordinance 08-2024: Section 2/2.4: All areas which may hereafter be included within the zoning jurisdiction of the city by annexation shall be governed by and subject to the requirements of R-2

*Ordinance 21-2024: Amending Ord 08-2024

Single-family Residence District until such time as the Zoning Districts Maps shall have been amended to include such areas in other zoning districts.

SECTION 3. Description of Zoning Districts

3.1 R1 Single Family Detached Residential District

3.1.1 Principal Use

The R1 district is intended to permit a single-family detached dwelling on a separate and distinct platted lot. A single-family dwelling is the principal use when sited on a lot of record and the lot shall be restricted to one principal use (dwelling).

3.1.2 Construction Method

Whether a single-family dwelling is site-built or manufactured off-site (factory-built) is not a determinate in its appropriateness for location, but rather:

a) All site-built dwellings shall meet or exceed the building codes of the City of Haskell, and;
b) All dwellings manufactured off-site shall meet or exceed the "National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
c) The manufactured and the site-built home shall be placed on a permanent foundation in compliance with the International Building Code as adopted by the City.
d) The manufactured home shall be anchored to the ground in accord with approved manufactured home installation standards. (See Section 8.5.2 of this regulation)
e) All transport elements such as wheels, axles and hitch shall be removed from the mobile home except those which are sited in a (land-lease) mobile home park. No vehicle with permanent wheels shall be utilized as a residence in the City of Haskell except in a mobile home park or in a "travel trailer park".

3.2 R2 Single Family Site Built Detached Residential District

3.2.1 Principal Use

The R2 district is intended to permit a single-family site built detached dwelling on a separate and distinct platted lot. A single-family dwelling is the principal use when sited on a lot of record and the lot shall be restricted to one principal use (dwelling).

3.2.2 Construction Method

All site-built dwellings shall meet or exceed the building codes of the City of Haskell. The site-built home shall be placed on a permanent foundation in compliance with the Uniform Building Code as adopted by the City.

3.3 Planned Unit Development (PUD)

3.3.1 Purpose

The purposes of this zone are to promote flexibility innovation in the design of large-scale developments and to encourage the use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides wider latitude of design to achieve the goals stated above.

3.3.2 Concept

In concept, the PUD is a combination of zoning designation and development plan. A detailed development plan is required for permitting. Development must follow the development plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PUD proposal only if it meets one of the following threshold criteria.

a) The PUD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
b) The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
c) The PUD involves a large parcel in which flexibility would allow high quality or innovative urban design.
d) The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
e) The PUD design should provide for space being reserved as permanent open space.

PUDs may be residential, commercial, industrial or mixed-use in nature. The development plan shall clearly depict the proposed land uses. There are no minimum lot size restrictions for PUDs; however, the Planning Commission will consider PUDs on less than one acre only under special circumstances.

3.3.3 Application Process

The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owner(s). The responsibilities of the applicant are as follows:

1. **Pre-application Conference** Each prospective application shall confer with the City Staff as well as the Planning Commission in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.
   a. The boundaries of the property
   b. Existing easements and covenants affecting the property
   c. Physical characteristics such as drainage, topography, vegetation and existing structures.

d. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
e. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

2. **Petition for Zoning Change** Each prospective applicant must petition the Planning Commission in accordance with Section 11- Amendments to have the area being considered for development rezoned as a PUD.

3. Development plan submittal No less than fifteen (15) days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed development plan to the staff. The submittal shall include the minimum requirements for a Preliminary Plat according to the Control of Land Development Regulations, including but not limited to:

a) A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCAD® in the version required by the city. Survey information shall be prepared by a Professional Surveyor (P.S.). The Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.). The stamps of the individuals responsible for the various elements shall be indicated on the drawing.

b) Name of the developer
c) Name and address of the owner
d) Type of activity
e) Building footprints for the individual buildings to be included in the PUD
f) Topographic contours at two (2) foot intervals
g) All easements existing and proposed
h) Street right-of-ways and street names
i) All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated
j) Proposed landscaping
l) Open space and community facilities, if any, proposed as part of the PUD
l) Location of all existing and proposed private and public utilities including location of fire hydrants and proposed street lighting.
m) Names of owners of adjacent properties
m) Zoning classifications of adjoining properties
o) Construction drawings as necessary to support the proposals outlined in the development plan

3.3.4 Permitted Uses

The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

3.3.5 Regulations

The regulations for PUD are as follows:

1. **Residential Lot Size** No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.

2. **Open Space Reservation** In any Planning Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the City Engineer shall be posted with the City for completion of said open space improvements prior to such sale. The development plan shall clearly depict the amount of land to be maintained as permanent open space.

3. **Development Density** The development plan shall clearly depict the proposed density by land use category.

4. **Property Owner's Association** As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the PUD is automatically subject to charge for an appropriate proportionate share of expenses for maintaining the common property , open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the PUD.

5. **Responsibility for Open Space** Nothing in this Section of the Code shall be construed as a responsibility of the City of Haskell, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a PUD desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

6. **Common Open Spaces** The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

7. **Landscaping Plan** In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the development plan.

   The preservation of the natural amenities within the PUD shall be given due consideration which shall include topography, trees, ground cover, natural bodies of water, and other significant natural features. Existing trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.

8. **Transportation** The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within PUD shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

   The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

9. **Land Subdivision** In the construction and installation of all subdivision improvements in the PUD, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exception to the requirements is approved by the Planning Commission and by the City Council.

   In the future, should the owners of the PUD request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

3.3.6 Review Process

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. The following criteria will govern the approval or disapproval of the PUD application by the Planning Commission.

a) The PUD shall provide public benefits that would not be achievable through the normal zoning regulations
b) The PUD shall maintain the same or higher level of service (LOS) for the surrounding traffic system
c) The PUD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering in included with the PUD to shield adjoining uses from adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PUD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.
d) The PUD shall be compatible with all adopted plan and policies of the city, including the Master Street Plan. If the PUD is not consistent with any of such plans or policies, the application must include with the PUD submittal a request to amend such plans or policies.
e) The PUD shall be designed in such a manner as to protect the public health, welfare and safety of the residents of the neighborhood in which it is located.
f) The PUD must be of a character and contain such uses that are needed in the area of the proposed project.
g) Approval of a PUD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department. Approval of the PUD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

3.3.7 City Council Approval

Planned Unit Developments represent zoning districts and must be approved by the City Council. However, the development shall be in accordance with the approved development plan. The Planning Commission must approve any contemplated deviation from the approved development plan. Upon approval by the Planning Commission, all recommendations shall be submitted to the City of Haskell City Council for approval. The City of Haskell City Council has the authority to require reasonable plan changes for the PUD as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

3.3.8 PUD amendments

Following City Council approval, the City Code Enforcer may approve minor revisions to the site plan if:

a) No changes are made to either the access or the egress to the PUD
b) Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
c) No new streets are proposed for dedication

d) No new private streets are proposed
e) Overall residential density is not increased
f) Overall drainage patterns are not altered
g) No additional loads are places on municipal utilities
h) Retail and office space is not increased by more than five percent
i) No open space is dedicated for public maintenance.

3.4 R-MHP Manufactured Home Park (Land-lease)

The manufactured home park is intended as a housing arrangement for people who do not propose to own the land where their dwelling is set up. This is an attractive arrangement for people who are more mobile and when there is no overriding intent for permanent location. The land-lease arrangement is attractive for the owner of the land due to two factors: (1) the higher density of housing that is permitted (minimum 5,000 sq. ft.) per housing unit as compared to a conventional subdivision (minimum 7,500 sq. ft. per housing unit); and (2) the streets within (internal to) a manufactured home park may be private streets and thus may not have to meet the standards of a publicly dedicated street.

* 3.5 TC-MX Town Center Mixed Use.

This section implements the following provisions of the comprehensive plan:

- *Community Goals, 4: The town center will develop an "off highway" modified grid street system to afford the location of retail shopping, banking, professional offices and housing, all at a scale for the use of residents, both city-wide and from the surrounding rural area.*
- *Land Use, Commercial Areas: Retail commercial is recommended activity to flesh out and make the town center a place of convenience for those who reside in and around the City of Haskell.*
- *Land Use, Commercial Areas: the town center area is expected to accommodate larger scale retail and service commercial as well as offices, banks, public buildings and the like. All these town center activities are aimed at an area wide market.*
- *Land Use, Commercial Areas: Strip commercial development is strongly discouraged.*

The TC-MX district is intended to permit a mixture of commercial, civic, and limited residential uses. The district currently has many of the intended uses located in the district. The uses include: single family residences, the Harmony Grove School, civic uses such as City Hall, police and fire stations and a street maintenance facility; church; convenience retail with gasoline pumps, and farm implement sales. Uses intended for location in the center include: The "**personal service shop**" - like those for hair styling, tailoring, shoe repair and dry cleaning; "**specialized retail**" - shops selling gifts, novelties, flowers, books, periodicals, jewelry, apparel, tobacco, toys, crafts, stationery, and similar products, antique stores; "**business and professional offices**" - real estate and insurance, travel agencies, tax preparer, law, medical, dental, and banks and

*Ordinance 03-2025 Amended to exclude Self-Storage Facility

other financial institutions; and "**residential**"- single family site built, townhomes, and multifamily. The commercial and companion uses of the town centers are intended for development as an in-depth, central core and not as linear, strip development. Strip commercial development is strongly discouraged. This district encourages small businesses that can be conducted in a converted residence. Design of access to Highway 229 is to be managed to reduce driveway access to a minimum and the development of an interior "network" of streets is encouraged. Off-street and shared parking is encouraged. Emphasis should be placed on the development of sidewalks concurrent with street and land development, particularly along Highway 229 adjacent as well as near to Harmony Grove School.

3.6 MF-1, Multi-Family Residence

This section implements the following provisions of the comprehensive plan:

Residential Objectives: A wide variety of housing should be developed throughout Haskell with special attention given to incorporating multi-family (four to six unit townhouses) in the design of the central core of neighborhoods and in and around the town center.

The MF-1 district is established to provide suitable areas for medium density residential development. It is the intent of Haskell, Arkansas that an MF-1 district be located in those areas of the city where adequate public facilities such as sewer, water, fire protection, street capacity are or can be made available and where adequate environmental conditions exist or can be provided. The MF-1 district is restricted to multi-family residential types at a density not to exceed twelve (12) units per acre. The District may also contain such accessory uses as listed for the district. See appendix A to this ordinance for bulk and area requirements for Multi-Family Residential housing.

* 3.7 M-1, General Industrial

This section implements the following provisions of the comprehensive plan:

No additional areas are anticipated to be classified as industrial on the plan map.

The M-1 district is intended to accommodate industrial uses which are essential to the economic viability of the city. It is the purpose of this district to minimize the impact of any one industry on any other industry in the district by regulating yard requirements on an "as needed" basis. Every use that is devoted to the collection, storage, salvage or scrapping of automobiles, trucks, buses, or other salvage operations shall provide on all sides of such operation a screen, wall or fence.

3.8 I-1, Governmental Institution

This section implements the following provisions of the comprehensive plan:

The land under State of Arkansas ownership will be largely regulated by the State for usage. In the event all or part of the facility would become privately held, then its use and function would be subject to the provisions of Haskell planning regulation.

*Ordinance 03-2025: Self-Storage Facility only permitted in M-1

The I-1 district encompasses the State of Arkansas, Benton Health Center and is intended for the programs and services designed and facilitated by the state government. If the state sells a part or all of its land within the City of Haskell to a private individual or corporate entity, that portion of the land shall immediately be zoned R1 and remain so zoned until such time the City Council and the city shall determine a more suitable zoning district designation.

3.9 OS-1, Open Space

The OS-1 district encompasses low lying land in Haskell, generally below 290 feet elevation, but in some cases up to the 300 foot level along local streams such as Trace, Dodson, Dobbs Creeks and intermittent streams running to Dotted Lake from Section 32, T2S, R15W. The purpose and intent of the OS-1 district is to restrict the type and density of development that can occur in the district in order to promote public, health safety, general welfare and the value of property. The OS-1 district shall be regulated by the flood insurance study by the U.S. Army Corps of Engineers of the district in which Haskell is located.

*Ordinance 04-2023: Amend to include 3.10 MF-2 (see below)
*Ordinance 08-2024: Amend to include 3.11 C-1/Commercial (see below)

SECTION 4. Permitted Uses in Zoning Districts

The permitted uses in the districts established in the preceding Section 3 are set forth below:

Where the letter "X" appears opposite a listed use and underneath a zoning district designation, the listed use is permitted in that district subject to (a) the providing of off-street loading in accordance with Subsection 7.3, (b) the providing of parking in accordance with Subsection 7.4, and (c) the conformance with special conditions applying to certain uses as set forth in Section 8, where reference is made to such section or subsection thereof in the listed permitted use.

*3.10 MF-2 Two-Family Dwelling: The MF-2 district is established to provide suitable areas for medium density residential development. MF-2 district is restricted to single family dwellings and two-family dwellings.

*3.11 C-1 Commercial: The Commercial Corridor Zone is designed to encourage the development of recognizable, attractive groupings of facilities along arterial corridors, consistent with suburban development patterns. It differs from the Neighborhood Center Zone in that it provides for a continual commercial corridor and expands permitted businesses. It accommodates businesses that involve more intensive uses and/or a larger site than available in the Walkable Town Center or Neighborhood Center Zones. Merchandise may be of a type that must have special display and storage outside of the building and/or requires special transportation. This zone is the most auto-oriented zone but still accommodates pedestrian movement. Locations appropriate for such districts are along heavily traveled major arterials, state highways, and frontage roads.

*Ordinance 18-2024: Amended to include the following: Permitted uses for C-1/Commercial - See Exhibit B
*Ordinance 03-2025: Amended to exclude Self-Storage Facility

Permitted Uses	* Zoning Districts								
	R-1	R-2	PUD	R-MHP	TC-MX	MF-1	M-1	I-1	OS-1
4.1 Residential Use									
Single family (detached) site built dwelling (subject to Section 8, subsection 8.5, Conditional Use).	X	X	X		X				
Single family (detached) manufactured/mobile home (subject to Section 8; subsection 8.5) conditional use.	X		X	X					
Multi-family (site built)			X		X	X			
Multi-family – requires Planning Commission Approval (subject to Section 8, subsection 8.5, Conditional Use).	X	X							
Manufactured Home Park				X					
4.2 Community Facilities, Public Utilities									
4.2.1 Required Planning Commission Approval Community facilities and public utilities to provide educational, recreational, religious, health and other essential services including: park, golf course, church, electric or gas substation, hospital, school, public or private non-profit, sewage pump station, telephone exchange, water pump station or reservoir, and all other uses similar in function, traffic-generating capacity and effect on other land uses.	X	X	X	X	X	X	X	X	X
4.2.2 Requires Planning Commission Approval Community facilities and public utilities which do not need to be located in residential area to fulfill their function and which would create significant objectionable influences in residential area, including; city, county, or state garage or street maintenance yard, and all other uses similar in function, traffic-generating capacity and effects on other land uses.			X		X		X		
4.3 Business/Office/Commercial Uses									
Retail stores and services which provide for the regular needs of the retail consumer public and are of a low nuisance type of commercial activity and not significantly objectionable to nearby residential uses, and which normally store all products for sale inside the building including: appliance and furniture sales, automotive accessories and service stations, bank, barber and beauty shop, cafe, department store, dry cleaners and laundry grocery, hardware, motel, signs subject to subsection 8.6, variety store and all other uses similar in function, traffic-generating capacity and effect on other land uses.			X		X				

*Amended in Ordinance 04-2023

Permitted Uses	Zoning Districts								
	R-1	R-2	PUD	R-MHP	TC-MX	MF-1	M-1	I-1	OS-1
4.4 Industrial Uses									
4.4.1 Industrial Uses Permitted by Right - Manufacturing and non-manufacturing industrial uses which are of a low nuisance type of industrial activity with respect to the emission of noise, smoke, glare, vibration and other objectionable elements including manufacturing uses as: air conditioning and heating equipment, baked goods, beverages non-alcoholic, carpentry and furniture making, clothier and cloth goods, dairy product, drugs, electrical appliances, food products except slaughtering and animals or poultry, paper products plastic products, printing, publishing. Non-manufacturing uses as: animal kennel, veterinarian office, research or testing laboratory and all other uses similar in function, traffic-generating capacity and effects on other land uses.			X				X		
4.4.2 Industrial Uses Requiring Planning Commission Approval - Manufacturing and non-manufacturing industrial uses which involves considerable danger of fire, explosion, or other hazards to public safety and which are of high nuisance type with respect to the emission of noise, smoke, glare, vibration and other objectionable elements, including manufacturing uses such as: asphalt or tar products, bricks, clay or tile, cement, chemicals, cotton ginning and processing, creosoting, fertilizers, foundries, rubber and steel products, wood and lumber processing; non-manufacturing uses such as: auto salvage, batching plant, construction yard, drive-in theater, storage of flammable gas or liquid including petroleum products, subject to subsection 8.2, and all other uses similar in function, traffic-generating capacity, and effect on other land uses.			X				X		
4.5 Horticulture/Hobby Animal Keeping									
4.5.1 Uses by Right - Gardening, floriculture, greenhouse, plant nursery, animal and poultry for hobby or home use and not for commercial purposes.	X		X			X			X
4.5.2 Uses Requiring Planning Commission Approval - Gardening, floriculture, greenhouse, plant nursery, animal and poultry production for commercial purposes.			X		X		X		X

Permitted Uses	Zoning Districts								
	R-1	R-2	PUD	R-MHP	TC-MX	MF-1	M-1	I-1	OS-1
4.6 Special Case Uses									
4.6.1 Home Occupations, subject to subsection 8.3	X	X	X		X				
4.6.2 Accessory Uses - Accessory uses as defined in Section 12 and regulated as provided in Section 7 general provisions	X	X	X	X	X	X			

SECTION 5. Lot, Yard, and Height Regulations

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

Until such time as the Haskell Public Sanitary Sewerage System is established to serve a specific site, the minimum lot size for all permitted uses shall be as determined by the Arkansas State Department of Health but in no case shall lots, lot coverage, and yard requirements be less than shown in the table below.

Bulk and Area Regulations									
Zoning Districts	Minimum Lot Area (sq. ft.)	Minimum Building Line Width on Lot (ft)	Maximum Building Coverage One Lot (%)	Minimum Yard Dimensions (ft)				Maximum Building Height[1]	
				Front	Side		Rear	Stories	Feet
					Interior	Exterior			
R1 Single Family Site Built/Mfg Home	7,500	75	35	25	7.5	15	20	2.5	35
R2 Single Family Site Built	7,500	75	35	25	7.5	15	20	2.5	35
PUD Planned Unit Development	As Determined by Planning Commission								
R-MHP Manufactured Home Park	7,500	75	35	25	7.5	15	20	2.5	35
TC-MX Commercial Detached	7,000	70	35	25	7.5	15	20	2.5	35
TC-MX Multi-Unit	14,000	100	50	25	N/A	15	25	2.5	35
TC-MX Residential	7,500	75	35	25	7.5	15	20	2.5	35
MF-1 Multi-Family	See Appendix A								
M-1 Industrial	10,000	80	40	25	15	15	20	2.5	35
I-1 Institutional	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OS-1 Open Space[2]									

[1] Whenever a building or structure exceeds the district maximum height regulations, there shall be one foot of additional side yards required for each two feet of additional height.

[2] Open Space yard and area requirements will be determined by the Planning Commission when building permit is applied for.

SECTION 6. Exception to Lot, Yard and Height Regulations

The lot, yard, and height requirements and regulations set forth in Section 5 shall be subject to the following exceptions, modifications, and interpretations:

6.1 Existing Lots of Record

6.1.1 May Be Used As a Building Site

Any lot or parcel of land in any zoning district that was under separate ownership and of record on the date of adoption of these regulations, or amendment thereof, may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, width, or both, that are generally applicable to lots in the zoning district, provided the owner of said lot does not own an adjoining lot.

6.1.2 Side Yard Requirements

On any such lot or parcel, the yard requirements of these regulations shall be complied with if said requirements do not reduce the net buildable width below 35 feet. If the net buildable width of the lot falls below 35 feet, then the side yard requirements may be reduced so that:

- Any interior side yard shall not exceed 10 percent of the width of the lot, and
- Any exterior side yard shall not exceed 20 percent of the width of the lot or eight feet, whichever is greater.

6.1.3 Front and Rear yard Requirements

On any such lot or parcel, the front and rear yard setback requirements shall not reduce the net buildable depth of the lot below 50 feet. If the front and rear yard requirements do reduce the net buildable depth below 50 feet, then front and rear yard requirements may be reduced so that:

- The front yard shall not exceed 15 percent of the depth of the lot, and
- The rear yard shall not exceed 20 percent of the depth of the lot, or 10 feet, whichever is greater.

6.2 Front Yard Exceptions

In any zoning district where 35 percent or more of the frontage on one side of the street between two intersecting streets is improved with the buildings whose frontal yards do not vary more than ten feet from the required front yards for that zoning district, then any new building erected must conform with the average front yard depth established by the existing buildings.

6.3 Rear Yard Exceptions

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

6.4 Projections Into Required Yards

6.4.1 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) Fire escape may project a distance not exceeding 4.5 feet.
3) Uncovered stairway and landings may project a distance not exceeding three feet.
4) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, and in aggregate not to exceed one-third the length of the building wall on which they are located.

6.4.2 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.

6.5 Height Exceptions

When authorized by the Board of Zoning Adjustment, zoning height limitations may be extended for the following structures: chimneys; church steeples; flag poles; grain elevators; towers and poles; radio and television antennas; water towers; and similar structures.

SECTION 7. General Provisions

7.1 Accessory Building

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 five feet of an alley where such alley 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 lot.

7.2 Nonconforming Uses

* 7.2.1 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. Any structure used for single-family residential purposes and maintained as a non-conforming use may be replaced with a similar structure. As it relates to manufactured homes, "similar" shall mean of the same size and same manufactured year or newer. For illustration purposes, a "single-wide" manufactured home may only be replaced with a "single-wide." The replacement manufactured home must meet the criteria for manufactured/mobile homes as listed in Section 8.4.

7.2.2 Limitations on Nonconforming Uses

A nonconforming use of a building or land shall not be changed, extended, reconstructed, enlarged or structurally altered unless:

1) Such change is required by law or order.
2) Authority is granted by the Board of Zoning Adjustment.
3) Such repairs and maintenance work are required to keep the building structurally sound.

7.2.3 Cessation of Nonconforming Use

A lawful nonconforming use of a building or structure, or land, that has been voluntarily discontinued for a period of twelve calendar months (one year) 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.

7.2.4 Replacement of Damaged or Destroyed Nonconforming Use

Any nonconforming building or structure damaged by fire, flood, explosion, wind, earthquakes, or other calamity, may be restored or reconstructed and used as before such damage.

7.3 Off-Street Loading

Every building or structure hereafter constructed in any district for non-residential purposes, requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building, at least one off-street loading space for the first 5,000 square feet, or fraction thereof, of gross floor area and one additional such space for each 10,000 square feet, or major fraction thereof, of gross floor area in excess of 5,000 square feet.

Each loading space shall not be less than ten feet in width, 35 feet in length. An access drive not less than 10 feet in width shall be provided leading from the street to the loading area, except when the loading space abuts a street or alley or easement of access.

Such space may occupy all or any part of any required yard space but no such space may be closer to a residential development than 25 feet, unless the space is wholly

*Amended in Ordinance 04-2023

within a closed building or unless enclosed on all sides facing such residential district by a solid fence or wall at least eight feet in height.

7.4 Parking

This section implements the following provisions of the comprehensive plan:

- *Land Use, Commercial Areas: Building set-backs are encouraged to be closer to streets so that parking may be placed to the rear or side on the lot. Parking lots are encouraged to be connected between businesses and to include landscaping with a mix of trees, shrubs, flowers and landscape features such as earthen mounds, terraces and screening in their design.*
- *Pedestrian, Policy 2: To encourage pedestrian mobility by allowing on-street parking around neighborhood centers.*
- *Parking, Policy 1: To allow rear yard parking and on-street parking on specified streets in residential areas and in neighborhood centers.*
- *Parking, Policy 2: To contain the size of lots and to establish a minimum number of handicapped parking stalls required on a single surface parking lot.*
- *Parking, Policy 3: To require that parking lots be placed in the rear and to the side of commercial developments wherever possible. Parking lots which are placed in front of structures must be shielded from the view of travelers by planting landscape vegetative screens or constructing earthen berms or combinations of the two between streets and the parking spaces.*

In all zoning districts in connection with every commercial, industrial, institutional, recreational, 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, parking space for vehicles in accordance with the requirements set forth in this subsection. The Planning Commission shall have sole responsibility of approving the parking facilities proposed for a new, changed, or enlarged building, use, or structure. Parking spaces serving existing and continuing uses or buildings on the effective date of these regulations shall be continued and may not be counted as serving a new structure or addition unless approved by the Planning Commission. No parking space may be substituted for a loading space.

7.4.1 Off-Street Parking

Each off-street parking space shall have an area of at least 9 feet wide and 18 feet long, exclusive of access drive or aisle. There shall be an access drive leading from the street to the parking space of at least 10 feet in width in case of a dwelling and at least 15 feet in width for other uses.

Such off-street parking spaces for commercial, industrial or institutional uses may occupy no more than 60 percent of any required yard or court space.

Parking in the rear of the principal use or principal building is encouraged. Off-street surface parking areas which are screened from the view of public streets by the principal buildings shall be exempt from the parking lot landscaping screening requirements.

7.4.1.1 Sharing Off-Street Parking Facilities

Shared Parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with use patterns that follow predictable daily, weekly and annual cycles.

For any new use, building, or structure, either part of or all of the required off-street parking may be provided on other property within 100 feet of the building site. Such parking facility shall be deemed as required parking space for the use and shall not be reduced, or encroached upon unless an alternate site is provided and approved by the Planning Commission.

Two (2) or more uses may share the same off-street parking facilities and each use may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all uses are such that none of the uses require the off-street parking facilities at the same time.

Developments which contain a mix of uses on the same parcel may reduce the amount of required parking in accordance with the following methodology:

1) Determine the minimum parking requirements in accordance with section 7.4.2 Minimum & Maximum Parking Requirements for each land use as if it were a separate use;
2) Multiply each amount by the corresponding percentages for each of the five time periods set forth in columns (B) through (E) of the table;
3) Calculate the total for each time period; and
4) Select the total with the highest value as the required minimum number of parking spaces.

(A) Land Use	Weekday		Weekend	
	(B) Daytime (9 a.m.-4 p.m.)	(C) Evening (6 p.m.-midnight)	(D) Daytime (9 a.m.-4 p.m.)	(E) Evening (6 p.m.-midnight)
Multi-Family Residential	60%	100%	75%	100%
Commercial	60%	90%	100%	70%
Office/Industrial	100%	10%	10%	5%
Public-Civic Uses	60%	60%	100%	75%

For example, a mixed use building is planned that will include 10 residential units, 50,000 ft^2 split between a bank and a drug store, and a community auditorium with 400 seats.

If they do not share parking, a total of 215 spaces will be required:
10 Residential units at 1.5 space per unit= 15 spaces
50,000 ft^2 for commercial at 1 space per 500 ft^2= 100 spaces
400 seats at 1 space per 4 seats= 100 spaces
Total of 215 spaces

If they share parking, only 186.25 spaces will be required, as shown by the table below:

(A) Land Use	Weekday		Weekend	
	(B) Daytime (9 a.m.-4 p.m.)	(C) Evening (6 p.m.-midnight)	(D) Daytime (9 a.m.-4 p.m.)	(E) Evening (6 p.m.-midnight)
Multi-Family Residential	15x60%=9	15x100%=15	15x75%=11.25	15x100%=15
Commercial	100x60%=60	100x90%=90	100x100%=100	100x70%=70
Office/Industrial	100%	10%	10%	5%
Public-Civic Uses	100x60%=60	100x60%=60	100x75%=75	100x100%=100
Total parking required	**129**	**165**	**186.25**	**185**

7.4.2 Minimum & Maximum Parking Requirements

On-street parking can be counted towards the minimum parking requirements for commercial, industrial, and public-civic uses.

1) Residential – A minimum of one and no more than one and one half off-street parking space for each detached dwelling unit or a guest room in a motel or tourist home. For multi-family, a minimum of one and no more than one and one half space per dwelling unit.
2) Commercial
   a) A minimum of one parking space for each 500 square feet of floor area and no more than one space for each 200 square feet of floor area for: Bank, barber or beauty shop, clinic (medical, dental, etc.), drug store, dry cleaners, cafe, grocery, hardware store, laundry (self-service), offices (professional or medical), variety store, and all other commercial uses which are similar to the listed uses in function and traffic-generating capacity and which are not included in the listed uses below.
   b) A minimum of one parking space for each 400 square feet of floor area and no more than one space for each 300 square feet of floor area for: Appliance store, automotive accessory and supply store, farm equipment sales

and service, feed or fertilizer store, furniture and home furnishings, lumber and building supplies, sporting goods, studio, and all other commercial uses which are similar to the listed uses in function and traffic-generating capacity, and are not included in the listed uses above.

3) Industrial - A minimum of one-half and no more than one and one-half parking space for each 1.5 employees on the maximum work shift.
4) Public-Civic Uses - A minimum of one, and no more than two parking space for each four seats. Church, auditorium, meeting room, etc.

7.5 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 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 12 feet wide leading to a public street.

SECTION 8 Special Provisions

8.1 General

Subsections 8.2 through 8.5 describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said subsections in the tables or permitted uses.

8.2 Flammable Liquids and Gases, Storage of:

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

8.3 Home Occupations

In the R1district, home occupations (defined in Section 12), are subject to all of the following conditions:

1) In any dwelling unit, all home occupations, collectively, shall no occupy over 25 percent of the gross floor area of one floor of said dwelling, except that this limitation shall not apply to foster family care.
2) A home occupation shall not require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings.
3) A home occupation may be conducted in a lawful accessory building located on a lot with a principal (dwelling) structure. The open yard display of machinery or tools associated with the occupation or raw materials or finished products shall be discouraged. Justification for open yard display shall be justified when presented at public hearing.
4) Power shall be limited to electric motors not exceeding three horsepower per dwelling unit or the usual and normal electrical supply for dwellings.
5) The home occupation shall be limited to resident occupants of the dwelling in

which the occupation is conducted and shall not have any employees who do not reside in the dwelling.

6) The Planning Commission shall hold a public hearing according to the procedures of Arkansas Statute Act 186 of 1957 and recommend appropriate action to the Haskell City Council for any initiated action by an owner/agent for the start-up of a home occupation.
7) The owner/agent applying for start-up of a home occupation shall notify property owners whose land abuts the intended home occupation at least fifteen (15) days prior to the public hearing and shall furnish proof of such notification. The owner/agent is not responsible for the notification of absentee owners of abutting property. The City Council shall represent their interest in the matter.

8.4 Requirements for Manufactured Homes/Mobile Homes

* 8.4.1 General Provisions

Manufactured homes and mobile homes may be placed in the R1 district in Haskell, Arkansas subject to the further provisions of this section.

a) Manufactured homes/mobile homes, single width, and double wide, may be placed on a lawful lot or parcel in the R1 district by right, provided, the unit is no more than ten (10) model years old and has a side to side roof sloped 3 inches to 12 inches (3:12) or greater. Additionally, the unit shall have a U.S. Department of Housing and Urban Development (DHUD) seal plate riveted to the unit. The ten model years shall be counted back from 1997 and each successive year after 1997, the ten model year date shall be counted back from that current year.
b) Manufactured homes that are eleven (11) or more model years old, counting back from the current year and which may have a roof pitch of less than 3:12 are declared to be a "conditional use" in the R1 district and are subject to the requirements of conditional use found in Section 8.6 of this zoning regulation. Units not meeting the minimum requirements of conditional use shall not be placed on a lot or parcel in the City of Haskell.
c) Off-street parking is required in accordance with Section 7.4.1.

8.4.2 Installation Specifications

a) Installations of manufactured housing/mobile homes shall be done in compliance with Arkansas Code § 20-25-102: An Act To Amend The Arkansas Manufactured Homes Standards Act To Comply With Federal Guidelines; And For Other Purposes; effective date April 3, 2007.
b) In addition to the requirements cited in (a) above, each dwelling unit shall have a perimeter wall or skirting of masonry, treated wood, or masonry patterned vinyl or fiber glass installed directly under the entire perimeter of the dwelling unit.

8.4.3 R-MHP Park (Land-lease) for Manufactured/Mobile Homes

8.4.3.1 Park or Land-lease Defined

The park or land-lease arrangement for manufactured/mobile homes is a parcel of land under ownership of an entity such as an individual or trust or a

*Amended in Ordinance 04-2023

corporation where parts or all of the parcel is leased or rented to individuals for the purpose of setting up mobile homes for primary places of residency. The entity owning the land for lease may also own the manufactured/mobile homes and thus rent the space and structure as a unit. The park or land-lease arrangement shall not include real property used for the display and sale of manufactured/mobile homes (this would be a commercial enterprise not a residential one if sales were permitted), nor does it include real property used for seasonal recreational vehicles as opposed to year-round occupancy. Commercial R.V. parks and camp grounds are suitable for seasonal camper trailers and buses.

8.4.3.2 Development Criteria and Site Plan

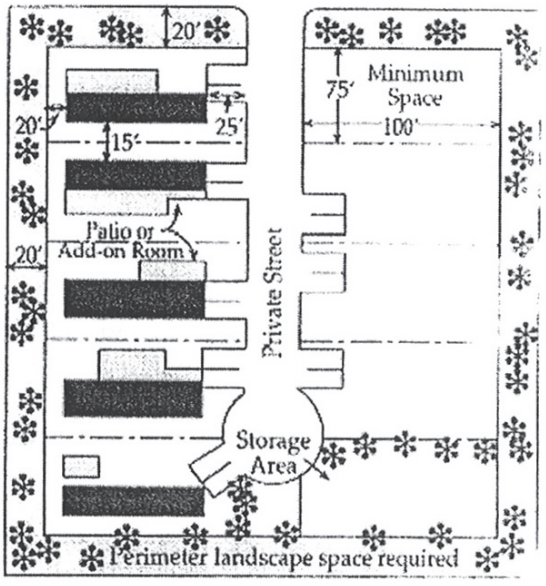
Every park or land-lease development approved for development in this zoning district, or in the planning area of Haskell, shall be developed in accord with a site plan (development plan) submitted to and approved by the Haskell Planning Commission. The site plan shall show graphically how the proposal will comply with the Haskell Subdivision Ordinance and the development criteria cited in the following paragraphs:

a) All mobile home spaces shall have driveway access to a street that is internal to the park. No mobile home space shall have direct access to a dedicated public street external to the park. All internal streets, alleys and driveways shall be provided and maintained by the owners of the mobile home park and shall be of a width and have such paving as approved by the Planning Commission. Full compliance with the street requirements of the Subdivision Regulation Ordinance will permit the dedication of internal streets as public streets and, therefore, driveways may connect directly to public streets that are internal to the park.

b) The mobile home park ownership shall provide buffering and/or screening comprised of trees, shrubbery and mowable grass within the 20 foot perimeter open space. Earthen berms, shrubbery or combinations of them should be used when appropriate for screening or privacy. Each mobile home space shall be sodded with lawn grass exclusive of

Mobile Home Park

(example of minimum measurement applied)



1. Minimum size of a mobile home park area is two (2) acres.
2. Mobile homes shall not have direct driveway access to a public street when located in a mobile home park.

paved or impermeable areas. All areas shall be well drained in order to avoid unseasonal wet areas. Standing casual water in yard areas is prohibited. (See Subdivision Regulations For Drainage Requirements).

c) A visually screened and fenced-in locked gate area shall be provided within the mobile home park for the purpose of storage of boats, recreational vehicles, utility trailers and the like. The storage area shall be provided at a rate of one 50' x 100' space for every ten spaces in the mobile home park. The use of the storage area shall be restricted to the use of residents of the mobile home park.

d) All mobile home spaces shall have underground and on site hook-ups for public sanitary sewer, water, and for electricity and/or gas. All such utilities shall meet requirements established by city or State of Arkansas codes.

8.4.3.3 Use Regulation

a) Permitted uses in the mobile home park are single-family mobile or manufactured homes with sanitary facilities that shall be connected to public utilities. Motorized recreational vehicles and camper trailers shall not be construed to be mobile homes and shall not be used for residency in a mobile home park.

b) Accessory uses such as storage sheds and private garages as are permitted by the City of Haskell in R1 districts are also permitted in the R-MHPdistrict provided the owner of the mobile home park shall also permit such accessory buildings and garages.

8.4.3.4 Area and Height Regulation

a) No mobile home or building located or erected, or structurally altered shall exceed a height of fifteen (15) feet.

b) The minimum overall property area of a mobile home park shall not be less than two (2) acres.

c) An open space set back free of all structures at least twenty (20) feet wide shall be established and maintained on all sides of the mobile home park.

d) The minimum setback of a mobile home from any interior street shall be twenty five (25) feet and the minimum separation between mobile homes shall be fifteen (15) feet whether side to side or back to back.

8.5 Conditional Use Review

8.5.1 General Purpose

The purpose of this subsection is to set forth procedures for processing conditional use permits and to establish standards by which conditional use applications can be evaluated.

8.5.2 City Administration

The City Council of Haskell shall hear and approve or disapprove in accordance with provisions of this subsection all requests for conditional use permits. Only those uses

which are specifically listed as conditional uses in the respective zoning districts may be acted upon for conditional use authorization.

The City of Haskell shall have final authority in whether to issue an installation permit or building permit for the location of a conditional use or to allow hook-up to city utilities. Appeals from a decision of the City Council in the matter may be filed with the appropriate court having jurisdiction. The filing shall occur within thirty (30) calendar days of the action by the City Council.

8.5.3 Application Procedure

Application for conditional use approval shall be made by the owner of manufactured homes/mobile homes older than eleven (11) or more model years, and for site-built houses that are moved to Haskell for set-up on a lot of record.

a) The owner may obtain the application at City Hall, Haskell, Arkansas. The completed application, signed by the owner, shall be accompanied by a fee as established by City Ordinance at the time of submission. The application contains a statement by the owner certifying that:
   i. the manufactured home/mobile home has the HUD seal plate riveted to the unit;
   ii. the unit is as appealing in overall appearance as the majority of units which are newer than eleven (11) model years that are hooked up to utilities in Haskell;
   iii. the unit has all mechanical equipment as heating-cooling, hot water tank, cook stove, oven, light fixtures and switches, etc., all in good working order;
   iv. the unit has all plumbing fixtures as flush toilets, sinks, bath, etc., in good working order;
   v. all doors, windows and screens are in place and in good condition;
   vi. the floors and walls are sound and without undue flex, the paneling (interior and exterior) is clean and free of holes, the carpet and/or tile linoleum floor covering is clean and free of holes, splits and tears.

When the application is for a site-built house being moved, items ii. through vi. of the above list and city building codes shall be complied with and met.

b) Provided the certification is completed and required fee is paid, a permit shall be issued to allow the unit to be installed in accordance with the yard and installation requirement of the zoning district.
c) In the event the conditions of the certification statement are found by the City of Haskell, i.e., an employee of the City appointed to supervise the installation, to be false or erroneous, said employee shall inform the Mayor of the erroneous conditions. The Mayor and the City Council shall inspect the unit as to the infractions and determine whether to uphold or override the charge of false or erroneous certification.
d) Units being installed without suspected violation of the certification shall be granted the right to hood up to the City of Haskell sewer and water service subject to the appropriate and customary charges.

e) Units found by the Mayor and City Council to be in violation of the certification statement will not be granted city sewer and water service, and the installation permit shall be revoked.
f) The owner of the unit with a revoked permit may have up to sixty (60) days to bring the unit into compliance with the certification statement at which time the installation permit shall be renewed or the owner shall have removed the unit from the City of Haskell at which time the fee will be returned to the owner.

8.6 Signs and Sign Structures, Including Billboards

8.6.1 General

1) No sign shall be erected in such a manner as to create a traffic hazard by obstructing vision, or at any location where it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign or signal.
2) In any residential district, no sign or sign structure shall be painted, erected or located upon or above the roof of any building.
3) No illuminated sign shall be permitted which faces the front, side or rear lot lines of any residential district which is located within 50 feet thereof. No flashing sign shall be permitted within 100 feet from any residential district in such a location as to be visible from said district.

8.6.2 Accessory signs

Accessory signs or sign structures may be erected or placed in any residential district subject to the following conditions:

1) Identification or professional signs shall be non-illuminated and shall be not over two square feet in area.
2) Churches and other public or institutional buildings may have a sign or bulletin board not over twenty square feet in area, and located at least ten feet from any property line.

8.6.3 Advertising signs

Advertising signs may be placed in any commercial or industrial district, subject to the following conditions:

1) Advertising signs or structures not attached to and wholly supported by a building shall not extend more than one foot into a required yard.
2) Advertising signs attached to and wholly supported by a building shall not project more than four feet from any building and the bottom of such sign shall not be less than 12 feet above the ground or sidewalk.

8.6.4 Business Signs

Business signs may be placed in front and exterior side yards of any commercial or industrial district, subject to the following conditions:

1) Signs or sign structures shall be so designed as not to impair visibility from a point four feet above the ground to a point not less than ten feet above the ground. Supporting structures shall be so designed as to allow maximum visibility.
2) No sign shall be placed closer to the street right-of-way line than five feet.

*Ordinance 04-2026 Amended to add "Accessory Dwelling Units"

SECTION 9. Board of Zoning Adjustment

9.1 Creation and Appointment

The Board of Zoning Adjustment is hereby created and its membership shall be comprised of the Planning Commission as a whole. The by-laws of the Planning Commission shall determine and be the rule of order for:

1) The terms of appointment to board membership;
2) The establishment of a quorum; and
3) Procedure for appointment in the event of a membership vacancy.

9.2 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 three 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.

9.3 Powers and Duties of the Board

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

9.3.1 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.

9.3.2 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 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 or 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 insure compliance and to protect adjacent property.

9.3.3 Other Powers

In addition to the powers and duties specified above, the Board shall also have the powers and duties to hold public hearings and decide the following special exceptions:

1) Permit the extension of a zoning district boundary where such boundary divides a lot under the single ownership at the time of adoption of these regulations.
2) Interpret zoning district boundaries where uncertainty exists.
3) Permit the extension of a nonconforming use.
4) Classify a land use where such use is not so done in these regulations for the purpose of determining the amount of off-street parking space to be provided.
5) Permit exceptions to maximum height regulations for certain uses.

9.4 Procedure for Appeals to the Board

9.4.1 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 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 a newspaper of general circulation in Haskell. 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.

9.4.2 Fee

The fee for any appeal to the Board of Zoning Adjustment shall be set by City Ordinance, no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk all fees collected.

9.5 Appeals to the Court

The provisions of these regulations shall be administered by an enforcement officer designated by the City Council. All decisions of the Board of Zoning Adjustment shall be subject to appeal only to a court of record having jurisdiction.

SECTION 10. Enforcement and Penalty for Violation

10.1 Building Permit

10.1.1 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 Haskell.

A permit to build or to site a manufactured home/mobile home 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-duplicate 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. A record of such application and plats shall be kept in the office of the City Clerk.

10.1.2 Fee

The application fee for a building permit shall be as set by City Ordinance, no part of which shall be refundable.

10.2 Penalty for Violation

Violation of 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 by law. Each day a violation exists shall be deemed a separate offense.

SECTION 11. 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.

11.1. 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 fifteen (15) or more days prior to the date consideration of the amendment is requested.

11.2 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 a newspaper of general circulation in Haskell. The notice shall be published at the applicant's expense and shall give the time and place of the hearing and the proposed change.
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 recommendations to the City Council.

4) The City council may return the proposed amendment to the Planning Commission 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 proponent 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 amendment 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.

11.3 Fee

The application fee for an amendment to these regulations shall be as set by City Ordinance for each piece of property under separate ownership submitted in the application, none of which is refundable.

11.4 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 12. Definitions

For the purpose of these regulations, the words and phrases listed below shall have the following meaning:

Accessory Building: A building which is clearly subordinate 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 of for the storage of household articles, or for a hobby work shop, etc.

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.

*Ordinance 04-2026 Amended to add "Accessory Dwelling Units"

District, Zoning: A portion of the territory of the city of Haskell within certain uniform regulations and requirements apply under these regulations.

Dwelling: A building or portion thereof intended to be occupied as a house-keeping unit.

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

Home Occupation: An accessory use which is customarily carried on in a dwelling or in a building accessory thereto, and is clearly incidental and secondary to the residential use of the dwelling. A home occupation shall not be interpreted to include commercial kennels. The establishment of a home occupation is subject to approval of the City Council after a public hearing conducted by the Planning Commission.

Lot: 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 public street or road.

Mobile Home: A factory assembled single family dwelling unit built prior to the 1976 passage of the HUD Code.

Manufactured Home: A factory-built home transportable in one (1) or more sections, which meets all of the following requirements:

1) is designed for highway transport with wheels, chassis, tongue, and other features related to transportability;
2) is designed to be moved more than once;
3) is built entirely in a factory to federal performance standards established by the HUD Code in 1976; and
4) is built on a chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

The term "manufactured home" does not include a "recreational vehicle."

Modular home: A factory-built home transportable in one (1) or more sections, other than a manufactured home, which meets all of the following requirements:

1) is designed only for erection or installation on a site-built permanent foundation;
2) is not designed to be moved once it is erected or installed;
3) is designed and manufactured to comply with local, state, or regional codes; and
4) is not intended to be used other than on a site-built permanent foundation.

Modular homes are considered site-built for the purposes of zoning.

* **Multi-Family:** Three (3) or more dwelling units with at least one common wall or floor/ceiling assembly, with each unit limited to not more than one (1) family.

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 unoccupied space on the lot which is open and unobstructed to the sky.

*Amended in Ordinance 04-2023

Open Use of Land: A use which does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or accessory buildings.

Parking Space: A space at least 18 feet long and 9 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.

RV: A recreational vehicle such as a motor home or camping trailer.

Sign, Advertising: A sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located.

Sign, Business: A sign which directs attention to a profession, business, commodity, or service conducted, sold or offered on the same lot on which the sign is located.

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: Anything constructed or erected over 18 inches above grade with a fixed location on the ground.

* **Townhouse:** A multi-family dwelling which is a composite of single-family dwelling units with side walls in common. Each unit shall have both front and rear entry.

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

Yard, Side, Exterior: A side yard abutting on a street.

Zero-Lot Line: A single-family dwelling with the option to have a common wall with one other single-family dwelling unit. In either case, with common wall or without common wall, the structure is placed on the lot to eliminate one side yard. Units are designed to have one windowless side wall placed on one side lot line.

SECTION 13. Validity

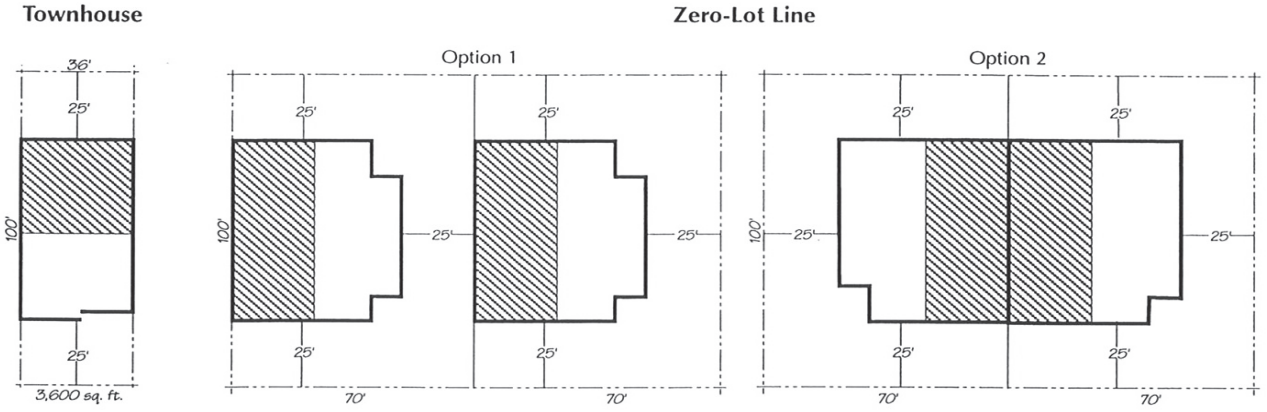
13.1 Validity

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.

*Ordinance 08-2024: Amend definition of Townhomes-A multi-family unit which is a composite of single-family units with side walls in common. Typically multi-story. Each unit shall have both a front and rear entry. Each unit shall have a private yard or patio. Each unit shall have a distinct and separate driveway and garage.

APPENDIX A MF-1 Multi-Family Residence District

1) Permitted uses: Permitted uses are as follows:
   a. Residential dwellings utilizing "Townhouse" design and development characteristics. The density shall not exceed twelve (12) units per gross acre in any multi-family development project.
   b. Residential dwellings utilizing "Zero-Lot Line" design and development characteristics. The density shall not exceed (6) units per gross acre in any multi-family development project.
   c. Other residential dwellings designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each. The density shall not exceed twelve (12) units per gross acre in any multi-family development project.
   d. Site maintenance facilities, rental offices, manager's residence and enclosed storage for management and residents.
2) Accessory uses: Accessory uses allowed in other residential areas as found in Section 7. General Provisions.
3) Height regulation: No building hereafter erected or structurally altered shall exceed a height of 2 1/2 stories or 35 feet.
4) Site area: The minimum site area for multi-family development project shall be one acre.
5) Bulk restriction: No more than six (6) nor no less than three (3) townhouse units shall be erected in a row as a single building without intervening yard space. A townhouse development project shall not exceed four hundred (400) feet on any side without an intervening public street.
6) Area regulations for Multi-Family developments:
   a) Exterior yards (front, rear, side): All exterior yards and yards which abut dedicated public streets shall have a depth of not less than twenty-five (25) feet.
   b) Interior yards: All interior yards (spaces between multi-unit buildings) or townhouse lots adjacent to a lot of another use shall have a twenty-five (25) foot depth.



c) Living space per family: The minimum living space (heated and/or cooled) shall be nine hundred (900) square feet for all permitted uses.

d) Lot area per family: In multi-family development utilizing townhouses, the minimum area shall be three thousand six hundred (3,600) square feet; in multi-family developments utilizing zero-lot line structures, the minimum area shall be seven thousand (7,000) square feet.

f) Parking: Off-street parking shall be provided for each residential unit at a rate no less than one and one half (1 ½) spaces unless approved otherwise by the Planning Commission.

g) Exterior common areas: In multi-family developments, an open space common area to be used by the residents of the development shall be provided. Open space common area shall be a minimum of five thousand (5,000) square feet per acre of development, or fraction thereof.

h) Detached building separations: All detached buildings shall be separated by a distance no less than twenty (20) feet.