

City of Alexander, Arkansas

ZONING REGULATIONS

**In accordance with the authority granted by the
Legislature of the State of Arkansas
as provided by
Act 186 of 1957, as amended.**

**Approved 06/17/2019
Ordinance No. O-2019-06-17-2**



APPROVED BY
ALEXANDER CITY COUNCIL
ORDINANCE O-2019-06-17-2

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City of Alexander, Arkansas

ZONING REGULATIONS

The City of Alexander Planning Commission by approval of these zoning regulations at its 05/07/2019 special public meeting has recommended that these regulations be approved by the Alexander City Council. The Alexander Planning Commission will not act on any new request for rezoning or submissions for preliminary plat approval until action has been taken on these zoning regulations by the Alexander City Council.

These zoning regulations apply to all zoning requests and subdivision, preliminary plat submissions not currently on the Planning Commission agenda as of 05/20/2019 and all subdivision final plats submitted for approval 30 days after these zoning regulations are approved by the Alexander City Council.

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SECTION 1. PURPOSE, AUTHORITY, JURISDICTION, EFFECTIVE DATE

Purpose: The zoning regulations set forth herein are enacted to implement the Land Use Plan for the City of Alexander, Arkansas and to promote the health, safety, and general welfare of the citizens of the City.

Authority: The provisions set forth in these regulations have been prepared in accordance with the authority granted by the Legislature of the State of Arkansas as provided by Act 186 of 1957, as amended.

Jurisdiction: These regulations shall apply to all land in the City of Alexander; land added to the boundary of the city by legal process, and extra territorial planning/zoning areas.

Effective Date: These regulations shall become effective on the date the Alexander City Council approves this document by ordinance.

SECTION 2. DEFINITIONS

2.1 For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- (a) The word “shall” is mandatory, the word “may” is permissive.
- (b) The word “lot” is the same as “plot,” “parcel,” or “site.”

2.2 For the purpose of these regulations, the following terms or words are defined as follows:

Abutting: Having property or district lines in common.

Access: The way or means by which a piece of property is ingressed, or egressed, or entered.

Accessory Building or Use: A building or use which:

- (a) is a secondary building to the primary building;
- (b) is located on the same lot of record as the principal building or principal use.

Addition: Any construction, which increases the size of a building or residence under the same roof.

Adult Day Care Center: An institution maintained and conducted, certified by the State, under public or private auspices, which cares for more than four adults, who require such care because of age, affliction, or limited capacity and who are apart from their own family or relatives during a part of the day.

Advertising sign or structure: Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever (except public signs), placed for outdoor advertising purposes on a frame ground or on any building or structure.

Agricultural – Commercial: Farms and general farming, including but not limited to:

- Agricultural Services;
- Apiary;
- Farming; all legal plants and all animals, excluding pigs;
- Fishery;
- Forestry; growing, harvesting or preserving trees and/or forest products;
- Greenhouse;
- Nursery (plants);
- Public stable;
- Retail sale of farm products raised on premises;
- Truck garden;
- Wholesaling or warehousing of farm products and/or by-products.

Agricultural – Limited: General farming undertaken in conjunction with a residence but with limited potential for commercial use. Including but not limited to:

- Arboretum or botanical garden;
- Garden (no product sold on premises); and
- Greenhouse (private, no products sold on premises).

Agricultural Products Processing: A facility which involves the operation(s) of processing, preparing, or packaging agricultural products which are not grown on the site.

Agriculture: Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

Alley: A permanent public service way, which affords only a secondary means of access to abutting property.

Alteration: See “Addition.”

Amusement, Commercial (Inside): An amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley or billiard parlor.

Amusement, Commercial (Outside): Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range or miniature golf course.

Animal Clinic (Enclosed): A facility, without outside runs, primarily dedicated to the diagnosis and treatment of pets and other animals including but not limited to dogs, cats, birds and horses. No outdoor boarding of these animals shall be allowed overnight.

Animal Pound or Kennel Shelter: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time. Animal shelters are either governmental or private organizations that provide temporary homes for stray, surrendered, or abandoned pet animals. The animal is kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

Antique Shop: An establishment offering for sale articles such as glass, china, furniture or similar furnishings or decorations which have value and significance as a result of age, design or sentiment.

Apartment: A residential use dwelling in a building containing three or more dwelling units, not to exceed two (2) stories.

Apartment Complex: An area containing two or more multi-family dwellings fronting a minor road/street that connects to a major city road/street or state maintained highway on one end and closed to through-traffic.

Apartment House or Multiple-Family Dwelling: See “Dwelling, Multi-Family (Apartments).”

Appliance Repair: A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items.

Area: The amount of land surface in a lot, plot, or parcel.

Area Requirements: The yard, lot area, lot width, lot coverage, and parking requirements as set forth in a specific district.

Arterial Street: See “Street, Arterial.”

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Auto Auction: A facility for the sale of automobiles to the highest bidder.

Auto Glass or Muffler Shop: A facility for installation or replacement of auto glass and mufflers.

Auto Painting or Body Rebuilding Shop: A facility for restoring auto bodies, painting or refinishing.

Auto Parts and Accessory Sales: A facility having auto parts, accessories and tools for sale.

Automobile/Motorcycle Display (Sales or Service): A facility for display, service and sale of new or used automobiles, motorcycles, recreational vehicles, and trailers.

Auto Repair Garage: A facility for motor vehicle repair.

Bakery or Confectionery Shop (Retail): A place for baking or selling baked goods, or a place for preparing, cooking, making, or selling candy or other sweets. All goods baked or cooked on the premises must be retailed on the same premises.

Bank or Savings and Loan: A completely enclosed facility the primary use of which is the custody, loan, exchange or issue of money, the extension of credit, and the transmission of funds.

Barber or Beauty Shop: A facility licensed by the State where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.

Bar, Lounge or Tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service, if any, is secondary to the sale of beer, wine or other liquors.

Basement: That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building sits.

Bed and Breakfast Establishments: A residential dwelling unit with two or more rooms that are rented or intended to be rented to overnight or weekly guests but not for long term residents.

Beverage Store: A facility for the sale of beer, wine or liquor not for on-premises consumption.

Billboard: A large outdoor advertising structure typically found in high-traffic areas such as alongside busy roads.

Board of Zoning Adjustment: The Planning Commission members serve as the Board of Zoning Adjustment.

Boarding House: A dwelling, other than a hotel, where for compensation and by arrangement for definite periods, meals or lodging and meals, are provided for three (3) or more but not exceeding twelve (12) persons.

Book and Stationery Store: A facility for the sale of books, pamphlets, paper, pens, ink, and associated items; not involving wholesale distribution.

Buffer: A strip of land established to protect one type of land use from another. A buffer strip is landscaped or kept as open space.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.

Building: See "Structure."

Building Accessory: A non-attached building or structure which is used in a subordinate and/or incidental manner to that of the main building on the same lot. If an accessory building is attached to the main building by a common wall or roof, it shall be considered part of the main building.

Building, Attached: A building, which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Building, Detached: A building having no wall, roof, floor, or other structural element in common with another building.

Building, Facade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building, Height: The vertical distance as measured from the elevation of the lowest ground to building elevation; to the highest point on the roof excluding protrusions, antennas and chimneys.

Building Line: A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Regulations. It is equivalent to the yard line.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the main building on the lot on which it is situated.

Building Material Sales: A facility for the sale of materials and hardware to be used for the construction, renovation, remodeling or other alteration of primary or accessory buildings.

Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in these regulations applicable to the district in which this building is located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk Storage of Highly Flammable Materials: A facility for the storage of chemicals, gases, or liquids, which are subject to or could be caused to ignite or explode.

Burial Facilities: A tract of land or structure utilized for the disposition of deceased persons or animals. The uses include but are not limited to:

- Cemetery
- Columbarium
- Crematory
- Mausoleum

Bus or Truck Storage or Garage: A facility in which currently licensed buses or trucks are stored or repaired.

Bus Station and Terminal: A facility on a common carrier line for bus docking, freight storage, and passenger loading and unloading. This shall not be construed to include passenger shelters, which may be located on a local bus route.

Cabinet and Woodwork Shop: A shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill or similar woodworking plant.

Camera Shop: A retail shop which sells photography items including cameras, film, photographic paper, auxiliary lens, photo finishing, photo finishing material, projection equipment and other related items.

Campsite: Recreational vehicle site.

Candy Store: The retail sale of candies and related items.

Care Center, Child: Any place, home or institution which receives three or more children under the age of 16 years, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation.

Carport: A shelter for one (1) or more vehicles, which is not fully enclosed by walls and one (1) or more doors.

Car Wash: A facility for washing or steam cleaning passenger automobiles and pickup trucks (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles and pickup trucks.

Catering Service: A facility that provides the service and supply of food to be consumed off the premises.

Cemetery or Mausoleum: A place or ground designated for burial of the dead. A mausoleum is a building with places for entombment of the dead.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the Zoning Ordinance, building code, and city ordinances may be used or occupied.

Care Center, Elderly: Any facility which provides respite care on a regular basis for elderly persons, apart from their family, legal guardians, or custodians, for regular periods of time for compensation.

Cigar, Tobacco Store: The retail sale of cigars, cigarettes, pipe tobacco and related items.

City: The City of Alexander, Arkansas.

City Road or City Street: A right of way with vehicular driving surface which affords the principle means of access to abutting property, and which, has been dedicated to public use and has been accepted by the City of Alexander for maintenance.

Clinic (Medical, Dental, Optical): A facility for examining, consulting with, and treating patients; including offices, laboratories and outpatient facilities, but not including hospital beds for overnight care or treatment.

Clothing Manufacturing: Operations involving cutting, sewing, forming and packing of garments and similar items, including the making of millinery and clothing accessories.

Clothing Store: A retail facility for selling male or female apparel.

Club: An organization of persons for special purposes for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Collector Street: See “Street, Collector.”

Commission: The City of Alexander Planning Commission.

Common Usable Open Space: That portion of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for use and enjoyment of residents and owners of the planned unit development, and easily accessible for all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development, but shall not include areas designed primarily for other than common recreational or open space use.

Community Welfare and Health Center: A community service facility where social, recreational, welfare, health, or child care assistance is provided for a public, quasi-public, tax exempt, church or municipal agency.

Conditional Use: Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as listed in this regulation.

Conditional Use Permit: The documented evidence or authority granted by the City Council to locate a conditional use at a particular location.

Construction Building: A prefabricated building transported to a construction site to serve as the office and/or storage building on a construction site in support of the construction of a permanent commercial building.

Contractor, Maintenance Yard: An open storage yard for supplies and operational equipment, but not constituting a junk or salvage yard.

Convalescent/Maternity/Nursing Home: A facility providing care and minor treatment under the direction of a physician licensed by the State of Arkansas or a facility providing services to patients for the purpose of achieving rapid recovery. May furnish basic provisions of food and laundry. May also provide health care and minor treatment under direction of physician for pregnant woman until the birth of the child. These uses include but are not limited to:

- Convalescent home
- Institution for aged or children
- Maternity home
- Nursing home

Country Club, Private Membership: An area of twenty (20) acres or more containing a golf course and a clubhouse available only to the membership. Such a club may contain as adjacent facilities a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

Convenience Store: Retail outlets that offer products, including motor fuel, generally used or consumed on a day-by-day basis by the purchaser.

Coverage: The lot area covered by all buildings located thereon, including the area covered by roof overhang.

Curb Cut: Any access to a vehicular use area from any right-of-way of any street, road, or highway.

Custom Sewing and Millinery: Custom making of apparel and millinery, not involving a factory.

Day Camp: An open air recreational area maintained under public or private auspices with facilities comparable to those found in city parks and playgrounds.

Department Store: A large retail store for the sale of many kinds of goods arranged in departments.

Design Vocabulary: The design used to create a distinctive unity where all buildings share a thematic character, and all buildings share basic design elements, which complement each other.

District: See “Zoning District.”

Drive-In Restaurant: Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

Drive-Through: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within the building or structure.

Drug Store or Pharmacy: A facility for preparing, preserving, compounding and dispensing drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.

Duplication Shop: A facility for the reproduction and copying of printed material or drawings.

Dwelling, Accessory: A habitable living unit added to, created within or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation.

Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one (1) or more un-pierced common wall extending from ground to roof.

Dwelling, Combination: Ground floor retail or professional offices with a residence on the second floor. See also “Mixed Use.”

Dwelling, Multi-Family (Apartments): A single structure with three or more separate family living areas, not to exceed two (2) stories.

Dwelling, Single-Family Detached: A freestanding dwelling designed for and occupied by not more than one (1) family. A Manufactured Home is not, by this regulation, defined as a Dwelling, Single-Family Detached. The following types of structures may be construed to be Dwellings, Single-Family Detached:

- (a) Prefabricated Home (see definition)
- (b) Site-built, Conventional Home (see definition)

Dwelling, Townhouse or Row House: Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one (1) family.

Dwelling, Two-Family (Duplex): A building designed for and occupied by two families in separate dwelling units, living independent of each other. Manufactured homes shall not be “set-up” or sited to form a two-family dwelling.

Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit, which is intended to accommodate one (1) family.

Dwelling, Zero Lot Line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be “blank” with no openings of any type allowed.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for utilities and other public or private use given by the owner of land to another party. Normally not used for vehicular access.

Eave: The weather protective overhanging lower edge of a roof.

Engineer: A State of Arkansas registered engineer licensed to practice.

Entrance Ramp: A roadway connecting a feeder road with a limited access highway and used for access onto such limited access highway.

Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction, excavation, fill, drainage and the like shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Establishment for Care of Alcoholic, Narcotic or Psychiatric Patients: An establishment offering residence for outpatient treatment to alcoholic, narcotic or psychiatric patients.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exception: A use permitted only after review of an application by the Board of Adjustment or Planning Commission other than the Administrative Official.

Exit Ramp: A roadway connecting a limited access highway with a feeder road and used for access from such limited highway to a feeder road.

Enforcement Officer: A person employed by the City of Alexander designated with the responsibility of assuring compliance with city ordinances and regulations.

Factory-Built Home: Any residential dwelling that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site. Factory-built homes shall include, but are not limited to, manufactured homes and modular homes.

Family: An individual or two or more persons related by blood, marriage, adoption or common bond plus any domestic or medical employees maintaining a common household in a dwelling unit.

Feed Store: A facility for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Fence: A man-made barrier constructed to provide containment and privacy or visual separation between one (1) ownership and another.

Final Plat: A finished as-built drawing, to scale, showing completely and accurately all legal and engineering information and certification necessary for recording and including the Bill of Assurance.

Financial Institution (Drive-Through/In): A facility which principally utilizes a drive-through window to conduct the transmission of funds.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone-A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Florist Shop: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items.

Food Store: An establishment where foods and associated items are kept and displayed for retail sales.

Foundry or Metal Works: A facility for the melting, smelting, molding or otherwise processing or manufacturing of metallic minerals.

Front Lot Line: A line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

Frontage Road: Occasionally referred to as access road. A road parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

Furniture Repair Store: A facility for repairing and reupholstering furniture, including specialized equipment.

Furniture Store (New): A retail facility for displaying and selling new furniture, and may also include appliances such as radios, televisions, stereos, refrigerators, stoves and lawn furniture.

Garage Apartment: A dwelling unit for one (1) family located on the second floor situated over a vehicular garage.

Garage, Private: An accessory building or part of a main building used for storage purposes only for not more than four (4) automobiles, or for a number of automobiles which does not exceed one-and-a-half (1 1/2) times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater.

Garden Apartments: Multi-family dwellings comprised of attached single-family units that may be designed to include walk-up or elevator flats with no first floor or direct ground access. The most pronounced characteristic of garden apartments is the attention given to creating outstanding landscaping. The name and definition implies low land coverage and ample open space between buildings.

Gasoline Service or Filling Station: Any area or land, including structure thereon, that is used for the retail sales of gasoline, oil, fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or the sale of butane or propane fuels.

Grade: The top surface elevation of lawns, walks, drives or other improved surface after completion of construction or grading operation.

Grain Elevator or Feed Mill: A facility for the storage or mixing or grinding of grains or other prepared foods to be used for pets, livestock and fowl.

Ground Coverage Ratio: The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot, except garages and carports in Districts R-1 (S, D and AC), and R-2 (MU) and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six inches above grade.

Gross Acreage: The total acreage of the proposed development including areas designated for internal streets and other public facilities.

Guest House or Domestic Employee Quarters: Any apartment or other separate building used for family members, non-permanent visitors, or domestic employee that pay no rent.

Handicraft, Ceramic, Sculpture, or Similar Art Work: A facility to individually create objects such as leather goods, jewelry, oven fired, nonmetallic mineral products or carved three-dimensional works of art; not a factory.

Hardware or Sporting Goods Store: A retail facility for selling cutlery, tools, utensils, screws, nails, and similar items; or athletic uniforms, sport clothing and sporting equipment.

Hauling and Storage Company: A facility for warehousing, transferring or keeping goods.

Hazardous Material Storage: A facility or outdoor area used to store materials which are poisonous, noxious, and otherwise are hazardous to the health of the general public. The facility may be used to store such things as acids, oils, chemicals, etc. prior to use or may be a permanent storage area for waste chemicals, etc. These uses include but are not limited to petroleum products storage.

Health Studio or Spa: A facility, other than a regularly licensed hospital, operating for a profit to promote physical fitness or weight control, and where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor, whether with or without use of mechanical or therapeutic devices.

Heavy Manufacturing: See Manufacturing – Heavy.

High Rise Multi-Family: Any structure of housing residential units (public or private) which exceeds a height of thirty-five (35) feet.

Hobby Shop: A facility for the sale of hobby supplies such as model kits, art equipment and materials.

Home Center: A facility which retails appliances, fixtures, building materials and other similar items for the maintenance and improvement of residential structures.

Home Occupation: Home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there are no advertising signs other than one (1) non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building; there is no commodity sold that is not created on the premises; and no person is employed other than a member of the immediate family resident on the premises. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having facilities to serve no more than one (1) person or to be used by not more than one (1) operator shall be considered a permitted home occupation.

Hotel/Motel: A structure designed, used or offered for residential occupancy for any period less than one (1) month (30 days), including tourist homes and motels but not including hospitals or nursing homes. A temporary abiding place containing six or more guest rooms or units furnishing customary hotel services such as linen, maid service, service and the use of, and upkeep of furniture.

Industrial Cleaning Plant: A facility for the cleaning of commercial or industrial bulk items from retail or wholesale operations.

Industrial Uses Not Listed (Enclosed): Any completely enclosed industrial use which is not specifically listed in this Ordinance.

Interim Building: A prefabricated building transported to a construction site in order to serve the same purpose as a permanent commercial building for which a building permit has been issued. Examples include, but are not limited to, a temporary bank, condominium sales office, or other similar commercial use.

Jewelry Store: A facility which retails watches, rings, bracelets, necklaces, and similar items.

Job Printing, Lithographer; Printing or Blueprinting Plant: A plant or facility for commercial reproduction of material or drawings on a job order or bulk basis utilizing lithography, offset printing, or other purposes.

Junk or Salvage Yard: Any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of:

- (1) Scraps or discarded pieces of metal, paper, rags, tires, bottles and other materials;
- (2) Inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances.

A junk or salvage yard shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a junk or salvage yard include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than thirty (30) days. Any premises on which there remains outside more than thirty (30) days an inoperable, partially dismantled, wrecked, or junked automobile, shall be deemed for the purpose of this Ordinance, a junk or salvage yard.

kennel: An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.

Key Shop: A facility for the sale or duplication of keys.

Laboratory: A building, or part of a building, devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

Laboratory, Dental or Medical: A laboratory which provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating shall be conducted on the premises except the custom fabrication of dentures.

Laboratory, Manufacturing: Operations involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

Laboratory - Research Facilities: A building, or part of a building, devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing those results to produce a new or improved product, medicine, or to better determine how animals function. No manufacturing is conducted on premises except for experimental or testing purposes.

Landscaping: A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.

Laundromat or Pick-Up Station: A coin operated or custom-cleaning establishment for individual garments, fabrics, rugs, draperies, or other similar items.

Library, Art Gallery, Museum or Similar Public Use: An establishment for the loan or display of books, or objects of art or science which is sponsored by a public or quasi-public agency and which institution is open and available to the general public.

Light Manufacturing: See Manufacturing – Light.

Livestock: Includes, but not limited to, cattle, sheep, horses, goats, and other domestic animals ordinarily raised or used on the farm.

Loading Space (Off-Street): An unobstructed, hard surface area located on public right-of-way and the use of which is for the standing, loading or unloading of trucks and trailers.

Local Street: See “Street, Local.”

Lodge or Fraternal Organization: A private, nonprofit organization whose primary purpose is to promote the fellowship of its members and may conduct business associated with philanthropy or civic awareness.

Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a publicly dedicated right-of-way or other approved private drive. Said lot shall comply with the Subdivision Rules and Regulations in effect by the city and recorded by either Pulaski or Saline counties.

Lot Area: The total horizontal area included within legally defined lines enclosing the lot.

Lot, Corner: A lot located at the intersection of two streets with frontage on both streets.

Lot Coverage: The percentage of lot area occupied by the principal and accessory buildings on such lot.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage: A lot having frontage on two non-intersecting streets.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot, which is flanked by other lots and has only one (1) street frontage.

Lot, Flag: The same as an interior lot except there is only driveway access to a street. No substantial street frontage is present.

Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot Line, Side: A lot line other than a front or rear lot line.

Lot Lines: The property boundary lines.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line to determine the minimum width allowed in this zoning regulation.

Lumber Yard: A facility which stores and sells cut lumber and other associated or accessory building materials.

Machine or Welding Shop: A facility in which metallic materials are processed by machining, curing, grinding or welding.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Manager/Caretaker Residence: A person or persons whose permanent residence is in a multi-family complex, hotel/motel, business or special area of a private home for the purposes of managing the grounds and buildings and/or for security purposes.

Manufactured Home (Class A and Class B): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling unit shall bear a seal certifying that it is built in compliance with the federal Manufactured Housing and Safety Standards Code. The two types (Class-A and Class-B) of manufactured homes are distinguished as follows:

- (a) The Class A Manufactured Home is shipped in two or more sections for assembly on a permanent foundation.
- (b) The Class B Manufactured Home is a single section placed on a permanent foundation.

A Manufactured Home is transported after fabrication on its own wheels with a towing tongue to an approved lot where the wheels and towing tongue are removed and then the unit is anchored and permanently connected to utilities.

Manufactured Home Park: A Manufactured Home Park (formerly known as a mobile home park) is any plot of ground, not less than twenty (20) acres, upon which two or more class A or B manufactured homes are allowed on a rental basis.

Manufactured Home Sales: A facility for the sale of manufactured home residences.

Manufactured Home Space: A manufactured home space is ground, within a Manufactured Home Park, designed for the accommodation of one (1) manufactured home.

Manufacturing - Light: The manufacture and assembly of items not involving an excessive generation of noise, odor, vibration, dust or hazard.

Manufacturing Heavy: The production of objects as part of a repetitive process. The manufacturing process may produce external impacts, including noise, vibrations, emissions, and odors which may be subject to specific regulations.

Master Plan: The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Planning Commission and/or the City Council.

Medical Appliance Fittings and Sales: A facility specializing in special purpose devices related to medical treatment.

Medical Facility:

- (a) Convalescent, rest, or nursing home - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- (b) Dental Clinic or Medical Clinic - A facility for the examination and treatment of ill and afflicted human outpatients, provided that patients are not kept overnight except under emergency conditions.
- (c) Offices for dentists, doctors, oculists, optometrists, osteopaths, and chiropractors - Same as dental or medical clinic.
- (d) Hospital - An institution providing health services primarily for human inpatients, medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient department training facilities, central service facilities, and staff offices which are an integral part of the facility.
- (e) Public Health Center - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics, and administrative offices operating in connection therewith.
- (f) Sanatorium - An institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.

Mental Health Center: A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

Minimum Landscaped Open Space: The percentage of lot area which must be maintained in grass or other living vegetation.

Mining: A tract of land where various minerals, ore, etc. are extracted from under the earth. May also include a distribution area for truck/rail loading of ore and materials. Uses include but are not limited to:

- Exploration for minerals;
- Extraction of sand, gravel, clay, quarrying of rock; and
- Mining of coal, metal ores and non-metallic minerals other than fuels.

Mini-Warehouse Storage: Mini-warehouse storage facilities shall be deemed to include one (1) or more permanent structures, meeting applicable City building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public. The active utilization of any storage space or cubicle within a mini-warehouse storage area for a retail or wholesale business operation on such site is expressly prohibited.

Minor Street: A street for access to residences, business, or other abutting property, not intended for through or heavy traffic and may be looped or terminated by a cul-de-sac. Also see “Street, Minor Residential.”

Mixed Use (Residential): A Mixture of land use in an existing subdivision or specific geographic area and/or consisting of two or more of the following uses on a majority of the lots:

- (a) Single-Family (site-built),
- (b) Duplex (site-built),
- (c) Manufactured Home,
- (d) Modular Home,
- (e) Prefabricated Home.

Mobile Home: A single-family unit fabricated prior to enactment of the Federal Manufactured Home Construction and Safety Standards, June 15, 1976, transported after fabrication on its own wheels and with towing tongue to an approved lot. Traditionally, the wheels and towing tongue could not be removed. Mobile Homes are not permitted in the City of Alexander, (Ord. 2010-03 as amended).

Mobile Home Park: (See Manufactured Home Park)

Mobile Home Space: (See Manufactured Home Space)

Mobile Vendor: Any person or persons who operates or sells goods from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

Mobile Food Vendor: Any person or persons who operates or sells food from a mobile cart, stationary cart, pedal cart, trailer, van, or similar chassis with or without an engine, or tent for a period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less per year shall not be regulated by this ordinance.

Modular Home: A residential dwelling constructed in a factory to a residential construction code other than the Federal Manufactured Home Construction and Safety Standards. A Modular Home has never been mounted on a chassis with attached wheels or with a towing tongue.

Mortuary: A facility in which deceased bodies are prepared for burial and kept until burial, and in which funeral services may be conducted. This use includes but is not limited to a funeral home, mortuary or undertaking establishment.

Motel: A group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located to each unit all for the temporary use by automobile tourists. Use of such a facility is also open to air and bus travelers as well.

Motor Freight Terminal: A facility for freight loading and freight storage.

Multi-Family Dwelling: See “Dwelling Multi-Family (Apartments).”

Municipality: The City of Alexander, Arkansas.

Newspaper Office/Print Shop: A facility whose purpose is the preparation of written news materials for distribution to the public. The facility also includes an area where printing press, copy machine, etc. copy the news/information and prepare it for distribution. May also include a retail facility for sale of office products, paper, etc. This use includes but is not limited to:

- Job printing, lithographer (printing, or blueprinting);
- Newspaper offices print shop; and
- News syndicate service printing and publishing including engraving or photoengraving.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance or which was previously nonconforming.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, which does not comply with all the regulations of this ordinance.

Nursery, Plant Material: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Home or Convalescent Home: A facility providing care and minor treatment under the direction of a physician licensed by the State of Arkansas or a facility providing services to patients for the purpose of achieving rapid recovery. May furnish basic provisions of food and laundry.

Occupied Space: The square feet within a structure that is occupied by patrons, visitors, employees and shoppers, waiting rooms, patient treatment areas and areas for exercise and recreation that are enclosed. Display areas, retail space, material assembly areas, meeting rooms and lodging accommodations will be included. Specifically excluded from occupied space will be storage areas and unimproved enclosed building space primarily for products, materials and supplies where employees are not permanently assigned. Occupied space in a motel or hotel will be seventy (70) percent of the total square footage.

Office: A business providing administrative, executive, management, professional services, or medical clinic. Examples include architect, accountant, engineer, attorney, doctor, dentist, or similar profession.

Office, Restricted: A residential structure or new structure compatible in scale with a residential area available for the transaction of general business but excluding retail, artisan, and manufacturing uses. Activity is limited to administrative, executive, general, professional, and medical office uses that will not generate significant amounts of traffic.

Office, Warehouse: A facility combining office and warehouse functions in a single structure.

Open Porch: A porch which has no side or front walls, screens or other enclosures, except structural roof supports where a roof is provided.

Opaque: As applies to a fence or screen required in this ordinance is, a fence or screen that blocks vision.

Open Space/Recreation: Areas represented on the City of Alexander Land Use Plan as Open Space/Recreation and other similar areas that subsequently may be designated by the city.

Open Space, Lot, and Parcel: Shall mean a yard, court or the space between two buildings or between a building and the boundary line of a parcel not developed or improved.

Optical Shop: A facility for a dealer in optical items or for correcting vision.

Ordinance: The Zoning Ordinance which includes both Zoning Map and Zoning Regulations.

Paint and Wallpaper Store: A facility for selling paints, painting equipment and wallpaper.

Park: A recreational area characterized by open space typically utilized for outdoor sports and other leisure activities.

Parking Lot: Any area, subject to wheeled traffic including access areas, used for parking.

Parking Space, Off-Street: A designated, lined space for the parking of a motor vehicle within a parking lot and having a permanent means of access to a street right-of-way.

Pawn Shop: A facility for loaning money on the security of personal property; unclaimed property may be sold on premises.

Performance Bond: A bond, furnished by the Subdivider or contractor to the City, to cover the cost of the improvements installed by the Subdivider or his contractor in reference to the development of roads/streets in the subdivision. The bond represents security in the event of performance default by the Subdivider.

Petroleum Products, Storage and Wholesale: A facility for the storage and sale of petroleum products.

Pet Shop: A facility for the display and sale of small animals, fish, and birds as pets; such as dogs, cats, parakeets, goldfish, tropical fish, or canaries without involving commercial boarding or treating of any animal, fish or bird.

Photography Studio: A facility for taking and processing pictures, not a bulk processing plant.

Places of Public Assembly: A meeting place for more than thirty-five (35) persons to which the public or membership group are assembled regularly or occasionally including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Plan-Unit Development (PUD): A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A PUD can be required by the planning commission for any proposal not clearly covered in the zoning districts.

Plan, Final: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, of structural elements, and landscaping. A final plan is prepared by a registered land surveyor, or architect or engineer or a disciplinary team of these professionals. A final plan further contains proper certification for accuracy and will be recorded by the county clerk.

Plan, Preliminary: A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A preliminary plan is prepared by a registered land surveyor, architect or engineer and will only be changed by approval of the city.

Plant Nursery: A facility for growing and selling plants, shrubs or trees and other articles or implements which are involved in the transportation, installation and maintenance of landscaped areas.

Plat: A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including but not limited to property lines, streets, easements, drainage facilities, utilities, legal notation and the like. The final plat is suitable for filing for record with the Circuit Clerk/Recorder of Saline or Pulaski counties.

Plumbing, Electrical, Air Conditioning and Heating Shops: A facility providing supplies, repair, installation and sales of plumbing, electrical, air conditioning and heating equipment.

Prefabricated Home: A detached single-family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, at a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling shall meet or exceed the building codes of the city.

Preliminary Plat: A drawing which shows the proposed layout of a subdivision in sufficient details to indicate unquestionably its workability in all aspects, but is not in final form for recording.

Principal Use: The use, which fulfills the primary function of an establishment, institution, household, or other entity.

Private Club: Any association, person, firm, partnership or corporation, key club, bottle club, locker club, pool club, or any other kind of club or association excluding the general public from its premises or place of meeting or congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than private homes.

Private Club with Dining or Bar Service: A group of people associated or formally organized for a common purpose, interest, or pleasure. Facilities include dining or bar accommodations, which are not available except to members of their guests.

Private Road/Street: Any ingress and egress roads/streets owned by an incorporated Property Owners Association or an Improvement District which includes provisions for levying of assessments for maintenance of the roads/streets.

Private School, Kindergarten or Institution for Special Education: An educational institution licensed by the State of Arkansas, except as parochial, denominational or charitable school or

institution which provides a basic academic education comparable to that provided in the public schools of the State, or one that provides special training or care suitable to persons with above average intelligence or defective, delinquent, or dependent persons such as retarded, dyslexia, autistic, or brain damaged persons.

Property Line: The legal boundary of a lot that locates the lot by word description, and physically on the ground.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public; gas, steam, water, electricity, sewage disposal, communication, or cable television.

Publicly-Owned Service Facility: A facility providing a service to the general public and paid for through public funds such as a police or fire station, postal facility, etc. Allowed uses include but are not limited to:

- Art gallery, museum or similar public use;
- Civil defense and related activities facilities Police protection and related activities facility;
- Community center: public;
- Community welfare or health center;
- Fire protection and related activities facility;
- Flood control works;
- Highway or street maintenance garage, yard or similar facility;
- Library, private, non-profit and public;
- Postal service facility;
- Public buildings; and
- Water filtration plant, pump station, elevated storage, treatment plant or reservoir.

Reclassification: An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

Recreational Facility: Any facility or tract of land providing recreational opportunities to the general public. These facilities may be publicly owned (community) or may be privately-owned (commercial) and sell recreational opportunities. The uses which fall under each of these definitions include:

Recreational Facilities (Community)

- Bathing beach: (public);
- Country club, golf course, swimming pool, or other private recreational uses usually associated with a social country club or subdivision association operated for mutual recreation of members and not for profit;
- Day camp: (community);
- Park, playground or tot lot;
- Swimming pool: (public); and
- Tennis court: (public).

Recreational Facilities (commercial)

- Amusement (commercial);
- Bowling alley;
- Carnival, circus or similar temporary amusement enterprise;
- Golf course (commercial);
- Motion picture theater; and
- Skating rink.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes. Not to exceed 8.5 feet X 40 feet.

Recreational Vehicle Parks: A lot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling and Reclamation: A facility for receiving, sorting, storing and reconditioning appliances, building materials, and any other salvaged or reclaimed materials.

Religious Activity: A place of worship and religious training and including accessory housing facilities such as a rectory. A place where persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Uses include, but are not limited to:

- Convent, or monastery, or novitiate;
- House of worship (Church, synagogue or temple, including Sunday School facilities);
- Parish house, parsonage or rectory; and
- Religious retreat facility.

Re-plat: A plat that has undergone the process of changing the configuration within an approved plat of record to increase, decrease, or change the shape and size of lots or roads/streets.

Residence: A building, or part of a building, containing one (1) or more dwelling units but not including:

- (a) Such transient accommodations as a transient hotel, motel, tourist home, dormitory or similar establishments, or;
- (b) A Nurses' residence, sanitarium, nursing home, convalescent home, rest home, or other sleeping or living accommodations.

Residential Occupancy: Means those activities customarily conducted in living quarters in an urban setting. Excluding activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

Restaurant: A location where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, night clubs, drive-in and any fast food establishment permitting consumption on the premises.

Retail – General: A facility or group of facilities whose main use is the distribution and sale of products and/or services to the general public. In the general retail sales area facilities are grouped to serve persons traveling by vehicular means. Uses include but are not limited to:

- Appliance repair;
- Building services including janitorial services, floor waxing and office cleaning;
- Clothing, second hand sales;
- Dance hall;
- Delivery service;
- Department store;
- Detective or protective service;
- Direct selling organization: retail;
- Drive-in Restaurant;
- Disinfecting, deodorizing or exterminating service;
- Eating establishment with drive-through service;
- Fire extinguisher service;
- Food locker plant;
- Fur sales, repair and storage;
- Glass or glass products sales;
- Gunsmith shop;
- Hat cleaning or repair shop;
- Hay, grain or feed store;
- Household appliance store;
- Leather goods or luggage store;
- Loan office;
- Mail order house: catalog office or retail store;
- Medical appliance fittings and sales;
- Motion picture distribution and service;
- Office equipment: sales and service;
- Pet shop;
- Plumbing, electrical, air conditioning, heating shop;
- Plumbing fixtures, sales and service;
- Restaurant;
- Rug cleaning or repair;
- Sales, service, repair or rental of business machines;
- Secondhand store;
- Sewing machine shop;
- Studio: broadcasting or recording;
- Upholstery shop;
- Vending machine sales, service, rental, repair;
- Venetian blind cleaning; and
- Window cleaning service.

Retail – High Impact: A facility and surrounding yard providing sale of retail products or personal services to the general public. Such facilities are generally located along major highways and are designed to serve people in automobiles. Special display and outdoor storage requirements may be required. Uses include but are not limited to:

- Aircraft parts: sales, service, rental or repair, including air frames & engines;
- Armature rewinding shop;
- Armored car service;
- Auctioneer;
- Auto glass or muffler shop;
- Automatic merchandising establishment;
- Automobile accessory tire or battery stores (without tire recapping);
- Automobile body shop;
- Automobile service station, not including engine repair or painting;
- Automobile wash service, including self-service;
- Boat rental or storage;
- Building materials or lumberyard;
- Building materials or lumber wholesale sales;
- Bus garage and equipment maintenance;
- Carting, crating, express handling, moving or storage;
- Cesspool cleaning establishment;
- Cold storage plant;
- Construction equipment repair, sales or storage;
- Contractor (general or heavy construction) facilities other than office;
- Contractor (special trade) facilities other than office;
- Custom ceramic products manufacturing;
- Driving school, private;
- Dry cleaning plant limited to 7000 sq. ft. of floor space;
- Eating establishment (other than drive-through) not serving beer, providing dancing or entertainment;
- Farm equipment: sales, service, rental, supplies and repair;
- Hardware, industrial sales;
- Linen supply or industrial laundry;

- Lodge or fraternal organization;
- Machinery sales and service;
- Mini warehouse;
- Manufactured home and/or travel trailers (sales and service ONLY);
- Monument sales;
- Oil field equipment and supplies, sales, service, rental or repair (also in Manufacturing – Light);
- Optical goods manufacturing (also in Manufacturing – Light);
- Packing or crating;
- Pawnshop;
- Repair service limited to equipment (wholesale is permitted use in the district in which the repair store is located);
- Secondhand automotive parts, accessories, battery & tire dealer;
- Swimming pool: sales and service;
- Tattoo parlor;
- Taxicab garaging & maintenance;
- Taxidermist;
- Tire recapping;
- Tool & equipment rental (inside display only);
- Tool & equipment (with outside display);
- Tool sharpening;
- Warehousing: inside;
- Warehousing: outside;
- Wholesale establishment: floor sample stock; and
- Wholesale establishment: stock unlimited.

Retail – Restricted: An enclosed facility or group of facilities providing for the sale of retail products or personal service enterprises. These facilities are typically designed to serve surrounding residential neighborhoods. Uses include but are not limited to:

- Antique store;
- Apparel and accessory store;
- Bakery or confectionery shop;
- Bank or savings and loan;
- Barber or beauty shop;
- Bicycle store;
- Billiard or pool parlor;
- Blueprinting, photocopying and similar reproductive services;
- Bookstore;
- Camera and photographic supply store;
- Catering service;
- Candy store;
- Cigar, tobacco store;
- Clothing, custom dress making or altering for retail, including tailoring and millinery;
- Diaper service;
- Drafting service;
- Drugstore or pharmacy;
- Dry cleaning, pickup or self-service;
- Dry goods store;
- Eating establishment;
- Electronics equipment: Store selling radio, phonograph, television or other household electronics;
- Financial institution (drive-through);
- Florist shop;
- Food store including bakery (retail only);
- Furniture, home furnishings, and equipment store: sales and repair;
- Garden supply store;
- General store; general merchandise store;
- Gift, novelty, or souvenir shop;
- Handcraft, ceramic sculpture or similar artwork – sales;
- Hardware store;
- Health studio or spa;
- Hobby shop;
- Ice vending machine establishment;
- Jewelry: sales and repair;
- Laundry: self-service and pickup station, laundry services, laundromat;
- Locksmith, key shop;
- Music, musical instruments or phonograph record store;
- Newsstand;
- Nursery (plants) sales;
- Optical laboratory;
- Optical shop;
- Photo finishing service;
- Picture framing;
- Religious goods store;
- Shoe sales and repair;
- Sporting goods store;
- Stationery store;
- Store selling architect's, artist's, engineer's supplies & equipment or dental, medical, or office supplies or equipment;

- Studio – photographic;
- Tailor;
- Toy store;
- Transportation ticket service;
- Travel arranging service;
- Variety store; and
- Video store.

Retirement Center: A multi-family development intended for use by retired persons and not open for rental or sale to the general public.

Right-of-Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.

Road/Street: A right-of-way for vehicular traffic which affords the principle means of access to abutting property. Also see “City Road.”

Rooming House: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons; all in excess of this number shall be defined as a hotel under the terms of this ordinance. This use shall include a boarding house.

Rooming and Boarding House: A rooming house where meals are provided by the operator.

Sand Gravel or Earth Sale and Storage: A facility for storing and marketing sand, gravel and earth.

Satellite Receiving Antenna: A dish-shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

Saw Mill: A facility having power-driven machinery for the purpose of sawing logs. Also, accessory facilities for the drying and storage of wood materials or by products.

School Facilities: Structures and/or tracts of land used for the conduct of educational activities. Uses include but are not limited to:

- College (junior college, professional school) - public or equivalent private;
- Private - school or kindergarten or institution for special education;
- School - commercial, trade or craft;
- School - elementary: public or private;
- School - private: barber, beauty, business, commercial art, correspondence, stenographic, public or private;
- School - secondary: public or private; and
- Studio - art, drama, speech, dance, music, ceramics.

School, Business: A business enterprise, not a public or private school.

School, Commercial, Trade or Craft: A business enterprise, not a public, private or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

School, Public or Denominational: An educational institution regulated by the State of Arkansas which is operated by a public or religious agency having a curriculum including kindergarten, elementary or secondary education, but not including private, business, commercial, trade or craft schools.

Secondhand Store, Used Furniture or Rummage Shop: A facility for the sale of secondhand or used items in which there is no outside display.

Service Station: A facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

Setback: The required distance between every structure and any lot line on the lot on which it is located.

Sewage Treatment Plant: A facility which provides an artificial process to which sewage is subjected in order to remove or alter its objectionable constituents and make it less dangerous and offensive. Uses include but are not limited to a sewage treatment plant and a sewage lift station.

Shelter for Abused Persons: A residence for a limited number of persons providing temporary shelter for a person physically or mentally abused by family or other persons.

Shelter for the Homeless: A place with authorized supervision granting temporary relief for displaced persons and/or families. Such place may or may not provide on-site meals but furnishes a safe haven for people.

Shoe Repair: A facility for repair or reconditioning of footwear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trade marks by which anything is made known such as are used to designate an individual, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" signs shall be deemed signs within the meaning of this definition, but the term "sign" shall not include the flag, pennant or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, used for a public purpose in the public interest. Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever including billboards and statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this Ordinance.

Site-built, Conventional Home: A detached single-family dwelling that is principally constructed at the site from standard building materials and that meet or exceed the building codes of the City.

Site Plan: See "Development Plan."

Site Plan Review: The process whereby the Planning Commission or staff reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this ordinance.

Solid Waste Disposal: The entire process of storage, collection, transportation, processing, and disposal of solid wastes by any city, authority, county or any combination thereof, or by any person engaging in such a process as a business. Uses include but are not limited to solid waste disposal and garbage or trash: assembly, incineration or processing.

Special Event (Temporary Building): A temporary building used for events which are fourteen (14) or fewer days in length and which are community-wide events which bring benefits to the community as a whole. Special Event Temporary Buildings include, but are not limited to, temporary buildings, tents, and inflatable structures.

Stable (Commercial): A facility which boards or rents horses to the public but not including a sales barn, auction or similar trading activity.

Staff: The employees of the City of Alexander designated by the Mayor to assist in carrying out the intent of this regulation; including, but not limited to, the engineer, inspector and planning commission.

Stone, Sand or Gravel Extraction: A site where stone, sand or gravel is mined or extracted for a profit.

Storm Cellar: An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street: Any public thoroughfare which affords the principal means of access to abutting property.

Street, Arterial: The principal traffic thoroughfares continuous across the City, which are intended to connect distant parts of the City or adjacent thereto, and act as principal connecting streets with State and Federal highways.

Street, Collector: A street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts. Collector streets are designated on the Master Street Plan and/or Growth Plan for the City.

Street, Intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Street, Local: A street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts. Streets not designated as collector or arterial will be considered to be minor residential or residential streets.

Street, Minor Residential: A street which has a single entry/exit and shall be the lowest in the functional classification of streets. The intended purpose of a minor residential street is to serve local non-through traffic in a residential setting.

Street Right-of-Way Width: The shortest distance between the lines, which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

Structural Alteration: Any external change in either the supporting members of a building, such as: a bearing wall, column, beam or girder; or in the dimension or configuration of the roof or other exterior wall.

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks.

Studio (Art, Drama, Speech or Similar Skills): The instructing, coaching or counseling in art, drama, speech or similar personal skills or arts.

Studio (Broadcasting or Recording): A facility for broadcasting live or prerecorded programs by radio or television, or recording of records, tapes, video tapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio or television signals. Such facilities shall not engage in mass production.

Studio (Music, Dance, Ceramics or Similar Skills): The instructing, coaching or counseling in music, dance, ceramics or similar personal skills or arts.

Subdivider: Any person, individual, firm, partnership, association corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider. The term "Developer" as may be used in this regulation means "Subdivider" as defined.

Subdivision: Any division of a lot, tract, or parcel of land whether by platting or by metes and bounds into three or more lots or parcels for the purpose of transfer of ownership or development including the combination of three (3) or more previously platted lots. The term subdivision shall apply also to any division of land involving the dedication of a road/street to the public, including ingress and egress easements, provided however. that any division of land into lots or parcels of ten (10) acres or more shall not be deemed a subdivision unless road/street dedication, including ingress and egress easement or the installation of utilities (defined as water, gas, electric, sewer, or telephone), is involved. The following transactions are exempt:

- (a) Property devised by will;
- (b) Property placed in trust;
- (c) Family division. (Defined as transaction exempt under the Arkansas Real Property Transfer Act (as amended) involving transfers between a father and mother and their descendants and brother and sisters and their descendants; and
- (d) Judicial action regarding division of land.

Surveyor: A registered land surveyor licensed to practice in Arkansas.

Swimming Pool, Sales and Supply: A facility for display and retail sales of swimming pools, related supplies and service.

Tailor: A shop to alter, repair, fabricate, or fashion garments.

Tanning/Rendering: A facility in which the tanning, rendering, slaughtering or butchering of animals is conducted. This use must be completely enclosed.

Taxidermist: A facility for preparing, stuffing and mounting the skins of animals, birds or fish.

Temporary Building: A prefabricated building, other than a construction building or interim building, allowed for an approved designated time period. Examples include, but are not limited to, portable classrooms, modular offices, and other commercial uses. The temporary building must be an accessory use. The temporary building may not serve as the primary structure. (Also see “Special Event Temporary Building.”)

Theater, Drive-In Type: A facility arranged so that patrons can view the screen and receive the sound in the privacy of their cars, or while seated outside.

Theater, Not Drive-In Type: A facility for showing motion pictures to an audience inside an enclosed structure.

Tool and Equipment Rental (Inside Display Only): A facility for renting tools and equipment to the public with no outside display.

Tool and Equipment Rental (With Outside Display): A facility for renting tools and equipment to the public where outside display is permitted.

Town House: A row of houses (up to six) connected by common sidewalls. A single dwelling unit in the town house arrangement may be one (1) or two (2) stories but no town house dwelling unit is second story only. Each dwelling unit has direct ground floor access to the outside and is designed to be occupied and owned by one (1) family.

Transmission Tower/Station: A tower with antenna(s), and/or associated support equipment providing wireless transmission of voice, data, images, or other wireless electronic information. Uses include, but are not limited to, cellular telephone service, radio, and television. This definition does not include amateur radio communication installations, public utility, and City of Alexander towers less than 50 feet in height whether lattice or monopole.

Transportation Facilities/Excluding Airports: Facilities providing surface transportation for the general public. These may or may not be publicly owned. Uses include but are not limited to:

- Bus station;
- Taxicab stand or dispatching station; and
- Truck, bus, train terminals.

Travel Bureau: An agency engaged in selling or arranging transportation, trips or tours for individuals or groups.

Truck or Tractor Sales or Repair: A facility for the sales and repair of trucks, tractors or similar motorized vehicles. Any display or sales area must be paved.

Upholstery Shop: A facility which makes coverings for furniture by applying such materials as springs, padding and fabric.

Use: A purpose to which land is committed.

Used: When referring to Manufactured Housing “Used” shall mean any housing unit which has had more than one (1) owner other than the original dealer.

Use Area: A zone established for a certain type of use such as commercial or residential.

Utility Facility: A facility, either open or enclosed, where a utility may store equipment or materials not in use or waiting for use. A station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area. Uses include but are not limited to:

- Electric generating plant;
- Electric regulating substation;
- Electric utility maintenance facility;
- Gas pressure control station; and
- Gas utility maintenance facility.

Variance: An exception from the strict application of the provisions of this ordinance. Only the Zoning Board of Adjustment can hear a request for a variance.

Vehicle Sales: A facility and associated lot, parking area or yard where retail sales of all types of vehicles occur. These vehicles are used for surface transportation generally, and include automobiles, trucks, vans, recreational vehicles, etc. Uses include, but are not limited to:

- Automobile and truck rental;
- Automobile and truck sales and service (new and used);
- Automobile auction;
- Boat and marine rental, repair and sales;
- Bus sales, service, rental and repair; and
- Motorcycle display: sales and service.

Vehicle Salvage: Any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of inoperable, wrecked, scrapped, ruined, or dismantled or discarded automobiles, auto parts, trucks, machinery, or appliances.

Veterinarian Service/Large Animal: A service for the qualified and authorized treatment of diseases and injuries of large animals such as horses, cattle, etc. This use includes an animal hospital for large animals.

Wall: One of the sides of a room or building connecting floor and ceiling or foundation and roof.

Warehouse or Wholesaling: A facility for commodities stored or wholesaled.

Water Treatment Plant and Related Facilities: A facility for the systematic collection, treatment and dispersal of water.

Wildlife Rehabilitator: One who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may

include direct care of wildlife to arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas Game and Fish Department and must comply with all State, County, and Municipal laws and ordinances.

Wood Products Manufacturing: A facility which cuts, trims, planes, or otherwise finishes wood products on an industrial scale.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.

Zero Lot Line: See “Dwelling, Zero Lot Line.”

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

SECTION 3 ZONING MAP

The City is hereby divided into zoning districts as shown on the Official Zoning Districts Map, which currently is enforced. Any change will require a re-zoning request to the Planning Commission.

SECTION 4 APPLICATION OF ZONING DISTRICT REGULATIONS

- 4.1 The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
- 4.2 When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission shall determine whether said use is compatible (i.e., in character) and if it so finds that it is, authorize said use to be established. Mixed uses, or uses not covered under the established zoning districts, must be submitted as a Planned Unit Development (PUD). The Planning Commission shall decide each application on its merits.

- 4.3 No building or other structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations and conditions herein specified for the zoning district in which it is located.
- 4.4 In regards to areas of the city that existed prior to the date these zoning regulations went into effect see Section 27; Pre-existing Subdivisions/Lots.
- 4.5 Interpretation of District Boundaries. When uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - 4.5.1 District boundary lines in general are intended to be along or parallel to the center line of streets, alleys, easements, other rights-of-way, and creeks, streams, or other water channels.
 - 4.5.2 District boundary lines are intended to be along or parallel to property lines or the lot lines of platted additions.
 - 4.5.3 In the absence of specific distances such dimensions shall be determined by the scale of the Official Zoning Map.
- 4.6 Utilities:
Provisions for sewage disposal, drainage, flood control, and utilities accompanied by certificates of approval or disapproval from the City, County (Pulaski or Saline), or State Agencies, as well as from the utility companies that are applicable shall be obtained and submitted by the Subdivider.

SECTION 5 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1.SF)

The R-1.SF Residential District is intended for the building of a single-family dwelling on a separate and distinct platted lot of record. Single-family manufactured homes as defined in this regulation are not permitted by right in the R-1.SF district. Separate districts are established for the location of manufactured homes. Mobile Homes, as defined, are not permitted in the City of Alexander.

There will continue to be a demand or market for single-family dwellings which are located in subdivisions with individual lots in the medium to large range of 7,500 to 15,000 or more square feet or on lots of record of comparable size. It is permissible to propose development of large lot subdivisions in the R-1.SF Residential District or to issue permits for single-family dwellings on lots of record. If the proposal meets all other requirements of this district the Planning Commission may approve the development. Provided, however, it is recommended that subdivisions with such large lot development be protected by deed restrictions on type of development to prevent lot splits and other practices that may be detrimental to the large lot concept for a particular subdivision.

- 5.1 Uses Permitted by Right:
One (1) single-family detached dwelling of not less than one thousand (1,000) square feet of heated/cooled living space, as the primary or principal use on a lot of record.
- 5.2 Accessory Buildings and Uses:
The following accessory structures and uses of land are permitted providing such structures and uses of land do accompany and are located on the same lot as the single-family dwelling and do not include any activity commonly conducted as a business. All accessory uses require a City of

Alexander building permit. Accessory buildings may not be located in front yards and shall not occupy over twenty-five percent of rear yard:

- (a) Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses;
- (b) Private greenhouses for non-commercial, horticultural purposes;
- (c) Private swimming pools, tennis courts and similar recreational facilities.

5.3 Temporary Uses:

The following temporary buildings and items of ownership, where such building or item conforms to the height and yard requirements of this zone, are allowed:

- (a) Model Homes when used as a sales office or demos, and/or;
- (b) Subdivision Sales Offices subject to the approval of the Planning Commission and limited to eighteen months use.

5.4 Conditional Uses:

The following uses may be permitted in the R-1.SF District subject to the approval of a conditional use permit and all required submissions and conditions thereof:

- (a) Churches and other religious institutions and their accessory buildings and uses;
- (b) Nursery school, day care center, kindergarten, elementary and secondary schools, and retirement centers;
- (c) Public parks, playgrounds, and recreation buildings;
- (d) Public utility buildings and facilities to provide local service.

5.5 Yard and Area Requirements:

Yards, front, rear and side, are identified in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in ninety degree angular turns.

The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Where accessory buildings have roof overhangs, the minimum distance between overhang edges shall be four (4) feet.

5.5.1 Single-Family Detached:

- 5.5.1.1 Minimum lot area, 8,000 square feet, and a lot width of not less than sixty (60) feet at the front building line.

- 5.5.1.2 Front Yard - there shall be a minimum of twenty (20) feet from the property line but the yard may vary from lot to lot up to thirty (30) feet in order to create diversity.
- 5.5.1.3 Side Yard - there shall be a minimum side yard setback of eight (8) feet on each side of the principal building when located on an interior lot. Corner lots shall have a side yard facing a street that is fifteen (15) feet.
- 5.5.1.4 Rear Yard - there shall be a minimum rear yard setback of twenty (20) feet.
- 5.5.1.5 Accessory Building Yards - Accessory buildings and recreation structures shall not be closer than ten feet to the rear property line and no closer to a side lot line than the principal building line. Private auto garages are allowed no closer to front or side property line than the principal building line.
- 5.5.1.6 Lot Coverage - the principal building and all accessory buildings on a lot shall not occupy more than forty-percent (40%) of the total lot area.
- 5.5.1.7 Height Regulation - No building in the R-1.SF District hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than 2-1/2 (two-and-a-half) stories.

5.5.2 Off-Street Parking - A minimum of three off street, covered or uncovered open parking spaces are required per each family dwelling unit.

5.6 Requirements in Section 5.5 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

5.7 Housing Inspection Procedure
 Inspection shall be made as required by each authority having jurisdiction during the construction of all site-built units to be located within the City of Alexander or within subdivisions regulated by the City.

SECTION 6 SINGLE-FAMILY/DUPLEX RESIDENTIAL DISTRICT (R-1.SFD)

The R-1.SFD Residential District is intended for the building of a single-family dwelling or duplex on a separate and distinct platted lot of record. Single-family manufactured homes as defined in this regulation are not permitted by right in the R-1.SFD district. Separate districts are established for the location of manufactured homes. Mobile Homes, as defined, are not permitted in the City of Alexander.

There will continue to be a demand or market for single-family and two-family dwellings, which are located in subdivisions with individual lots in the medium to large range of 7,500 to 15,000 or more square feet or on lots of record of comparable size. It is permissible to propose development of large lot subdivisions in the R-1.SFD Residential District or to issue permits for single-family dwellings on lots of record. If the proposal meets all other requirements of this district the Planning Commission may approve the development. Provided, however, it is recommended that subdivisions with such large lot development be protected by deed restrictions on type of development to prevent lot splits and other practices that may be detrimental to the large lot concept for a particular subdivision.

6.1 Uses Permitted by Right:

One (1) single-family detached dwelling of not less than one thousand (1,000) square feet or a duplex with not less than fifteen hundred (1,500) square feet of heated/cooled living space, as the primary or principal use on a lot of record.

6.2 Accessory Buildings and Uses:

The following accessory structures and uses of land are permitted providing such structure and uses of land do accompany and are located on the same lot as the single-family dwelling and do not include any activity commonly conducted as a business. All accessory uses require a City of Alexander building permit. Accessory buildings may not be located in front yards and shall not occupy over twenty-five (25) percent of rear yard:

- (a) Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses.
- (b) Private greenhouses for non-commercial, horticultural purposes.
- (c) Private swimming pools, tennis courts and similar recreational facilities.

6.3 Temporary Uses:

See "Temporary Uses" in the "R-1.SF" Single-Family District.

6.4 Conditional Uses:

The following uses may be permitted in the R-1.SFD District subject to the approval of a conditional use permit and all required submissions and conditions thereof:

- (a) Churches and other religious institutions and their accessory buildings and uses;
- (b) Nursery school, day care center, kindergarten, elementary and secondary schools, and retirement centers;
- (c) Public parks, playgrounds, and recreation buildings;
- (d) Public utility buildings and facilities to provide local service.

6.5 Yard and Area Requirements:

Yards front, rear and side are identified in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in ninety degree angular turns.

The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Where accessory buildings have roof overhangs, the minimum distance between overhang edges shall be four (4) feet.

6.5.1 Single-Family Detached – Same requirements as Section 5.5.1.

6.5.2 Duplex:

- 6.5.2.1 Minimum lot area, 8,000 square feet, and a lot width of not less than sixty (65) feet at the front building line.
- 6.5.2.2 Front Yard - There shall be a minimum of twenty (20) feet from the property line but the yard may vary from lot to lot up to thirty feet in order to create diversity.
- 6.5.2.3 Side Yard - There shall be a minimum side yard setback of eight (8) feet on each side of the principal building when located on an interior lot. Corner lots shall have a side yard facing a street that is fifteen feet.
- 6.5.2.4 Rear Yard - There shall be a minimum rear yard setback of twenty (20) feet.
- 6.5.2.5 Accessory Building Yards - Accessory buildings and recreation structures shall not be closer than ten feet to the rear property line and no closer to a side lot line than the principal building line. Private auto garages are allowed no closer to front or side property line than the principal building line.
- 6.5.2.6 Lot Coverage - The principal building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the total lot area.
- 6.5.2.7 Height Regulation - No building in the R-1.SFD District hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than two-and-a-half (2-1/2) stories.

6.5.3 Off-Street Parking - A minimum of three off street, covered or uncovered open parking spaces are required per each family dwelling unit.

6.6 Requirements in Section 6.5 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to regulations must also be “in character” with the District.

6.7 Housing Inspection Procedure

Inspection shall be made as required by each authority having jurisdiction during the construction of all site-built units to be located within the City of Alexander or within subdivisions regulated by the City.

SECTION 7 MULTI-FAMILY RESIDENTIAL DISTRICT (R-1.MF)

The R-1.MF Multi-Family District is intended to provide for duplex, apartment, townhouse, or garden apartment dwellings in both developed and urbanizing areas of the City. The density is not to exceed twenty-four (24) units per gross acre. The district, when used for multi-family, shall be restricted to sites abutting collector or arterial streets. The affected streets shall be developed to standards required for its functional classification to, as a minimum, the extent that property in the district abuts collector or arterial streets. Adequate public utilities and city services shall either exist prior to development or be provided in conjunction with the development. The R-1.MF Multi-Family District will be viewed more favorably when it is proposed for development to act as a buffer zone between commercial or industrial districts and lower density residential districts.

7.1 Uses Permitted by Right:

- (a) Apartment, Townhouse or Garden Apartments (Site-built) (rental or condominium);
- (b) Duplex (Site-built); or
- (c) Similar uses deemed by the Planning Commission to be in character with the zone.

7.2 Conditional Uses:

The following uses may be permitted in the R-1.MF District subject to the approval of a conditional use permit and all required submissions and conditions thereof:

- (a) Single-Family detached;
- (b) Triplex, and Fourplex dwellings;
- (c) Zero-lot-line single-family dwellings;
- (d) Nursing homes;
- (e) Churches and other religious institutions and their accessory buildings and uses;
- (f) Public utility buildings and facilities when necessary for serving the area;
- (g) Public parks, playgrounds, and recreation buildings; and
- (h) Child Care/Day Care facilities, nursery school, kindergarten, elementary/secondary schools, and retirement centers.

7.3 Accessory Uses:

Accessory Uses for single family, zero-lot-line, duplex and triplex dwellings may include:

- (a) Buildings such as private garages for personal vehicle parking, storage facilities for normal household goods and yard maintenance, for the pursuit of hobbies and children's playhouses;
- (b) Private greenhouses; and
- (c) Swimming pools, tennis courts and similar recreational facilities.

Accessory uses for fourplex and apartment dwellings are normally provided as a part of the overall design of the facility and are not provided by individual occupants.

7.4 Temporary Uses:

See "Temporary Uses" in the "R-1.SF" Single-Family District.

7.5 Special Review:

None are permitted

7.6 Permitted Home Occupation
(See Section 2, Definitions.)

7.7 Permitted Signs

- (a) Name plates and address signs not over four square feet in area.
- (b) Bulletins for churches and other conditional uses not over twelve square feet in area.
- (c) Official signs not over twelve square feet in area.
- (d) Temporary real estate signs which are non-illuminated and not over five (5) square feet in area.

7.8 Lot Dimensions and Minimum Site Area

7.8.1 Lot area for each dwelling unit and minimum width of lot at the building line:

- (a) Duplex - 3,750 square feet - width 60 feet.
- (b) Triplex - 3,000 square feet - width 65 feet.
- (c) Fourplex - 2,500 square feet - width 10 feet.
- (d) Townhouse - 2,000 square feet.
- (e) Garden Apartment - 1,800 square feet.
- (f) Zero-lot-line - 3,750 square feet - width 40 feet.
- (g) Single-family - 4,000 square feet - width 40 feet.

7.8.2 Front Yard

- (a) There shall be a front yard minimum setback of not less than twenty five (25) feet.
- (b) When the development consists of Fourplex, Townhouse or Garden Apartments; the required twenty five (25) feet front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, and shall be maintained in a neat and attractive condition. Pedestrian walks for access to the building may cross the landscape area. No parking of vehicles shall be allowed within the front yard space.

7.8.3 Side Yard

- (a) Single-family, duplex, triplex and fourplex dwellings shall have a minimum of eight (8) feet for interior lots. Corner lots shall have a side yard on the exterior or street side of not less than twenty five (25) feet.
- (b) The zero-lot-line arrangement eliminates one (1) side yard thereby creating a more usable single side yard on each lot. The units may be designed so that two units share a

common structure wall which is contiguous with the interior lot line. The common structure wall shall be off-set laterally so that each structure has an “independent structure” wall of at least 15 feet along the common property line. This will produce a staggered setback of each unit relative to the building line. An alternative is to design the plot plan so that each unit has a windowless wall sited along one (1) side lot line. In the latter case the entire remaining side yard separates the units. There shall be a side yard of no less than 15 feet on each lot.

- (c) Structures utilizing Townhouse and Garden Apartment concepts are a series of attached single-family units without side yards between appended units but shall have exterior side yards of twenty-five (25) feet between multi-unit structures. No more than eight (8) units shall be contained within a structure without intervening side yards.

7.8.4 Rear Yard

- (a) Single-family, duplex, triplex: twenty (20) feet for the principal structure and ten (10) feet for accessory buildings;
- (b) Zero-lot-line: ten (10) feet for the principal structure and ten (10) feet for accessory buildings; and
- (c) Apartment, Townhouse, Garden Apartments: twenty five (25) feet.

7.8.5 Screening

When the side or rear of an Apartment building, Townhouse or Garden Apartments are adjacent to single-family detached units that existed prior to the construction of the multi-family units, the developer shall construct an opaque fence or establish landscape plantings to provide a noise and vision barrier between the apartment complex and the pre-existing single-family detached units.

7.8.6 Minimum Area for the District

The minimum area for the establishment of the R-1.MF District shall be one (1) acre. Less than one (1) acre may be appended to an existing R-1.MF or R-2.MU District with authorization according to the review process of this regulation.

- 7.9 All requirements in Section 7 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to regulations must also be “in character” with the District.

SECTION 8 APARTMENT COMPLEX RESIDENTIAL DISTRICT (R-1.AC)

The R-1.AC Residential Apartment Complex District is intended for the building of multi-family dwellings, more commonly known as apartments, of two or more structures on a separate and distinct platted lot of record. An Apartment Complex contains two or more multi-family dwellings fronting a minor road/street that accesses a City street or state highway and does not provide access to through-traffic. (See Section 2 for complete definition.) The design and approval process for an Apartment Complex shall follow the rules for a Planned Unit Development established in Section 24.

SECTION 9 MIXED-USE RESIDENTIAL DISTRICT (R-2.MU)

9.1 This district is a residential district that is resident in nature and has a mixture of at least two of the following land uses:

- (a) Single-Family (site-built)
- (b) Duplex (site-built)
- (c) Manufactured Home
- (d) Modular Home
- (e) Prefabricated Home

9.2 The developed area should be clearly mixed land and constitute a majority of the lots or sites available in the subdivision or geographic area being zoned R-2.MU.

9.2.1 Uses permitted by right:

- (a) Single-family detached dwellings;
- (b) Duplexes;
- (c) Manufactured Homes placed on a foundation with underpinning and off-street parking;
- (d) Modular Homes placed on a foundation in the same manner as a site-built home;
- (e) Prefabricated Homes placed on a foundation in the same manner as a site-built home.

9.2.2 Accessory Uses same as R-1.SF District.

9.2.3 Temporary Uses same as R-1.SF District.

9.2.4 Conditional Uses same as R-1.SF District.

9.2.5 Yard and Area Requirements: for single-family use R-1.SF; for duplex use R-1.SFD.

9.2.6 Restrictions:

Mixed use zoning districts will be established at the time these zoning regulations and zoning map are adopted. Only areas being annexed into the City of Alexander, after adoption of these zoning regulations, will be allowed the option of mixed use zoning. A mixed use zoning district can be re-zoned to another residential zoning district by a petition submitted by fifty-one (51) percent of the land owners in that district requesting that the Planning Commission change the zoning. If the district is re-zoned those land uses not complying with the new zoning will become non-conforming.

9.3 Requirements in Section 9.2.5 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

9.4 Manufactured Housing Code Requirements (Class-A and Class-B)

All Manufactured Housing structures, Class-A and Class-B, to be located within the City of Alexander must comply with all protective codes currently in effect. This includes the following:

- (a) Standard Building Code (Southern Building Code if none exist);
- (b) Arkansas State Plumbing Code;
- (c) National Electric Code;
- (d) Code for Energy Conservation in New Building Construction;
- (e) Any additional codes and regulations which may be in effect.

9.5 All Manufactured Housing units shall be secured to a permanent foundation. The completed structure will be anchored in accordance with current State of Arkansas Manufactured Housing Code (as amended).

9.6 Housing Inspection Procedure

Inspection shall be made as required by each authority having jurisdiction during the construction/placement of all site-built and manufactured housing to be located within the City of Alexander or within subdivisions regulated by the City. If the manufactured home is considered used, it must meet all requirements under City Ordinance 2010-03 (as amended) before being moved from a lot within the City to another lot within the City, or before being moved from outside the City to a lot within the City. Also, a used manufactured home shall not be older than 20 years when set-up in the City of Alexander.

SECTION 10 MANUFACTURED HOME PARK DISTRICT (MHP)

The “MHP” Manufactured Home Park District recognizes a specific housing type in the City of Alexander. This zoning district is created for the specific purpose of establishing reasonable sites and providing for the development of manufactured home parks or courts at appropriate locations. It is the intent of this regulation that this district be located so as to not adversely affect the established residential development patterns and densities of the City.

10.1 Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply to this district.

10.1.1 All properties within this district shall be contiguous and shall be totally developed under a unified site plan submitted to and approved by the Planning Commission. Criteria for submission of the accompanying site plan shall follow the guidelines set forth in the Planned Unit Development section.

10.1.2 All landscaping, screening, open space and other common facilities shall be provided and maintained by the manufactured home park.

- 10.1.3 When a manufactured home park either adjoins or is across the street from other residential zones, a six-foot privacy fence, with landscaping and a fifty-foot green space will be required.
- 10.1.4 A storage area shall be provided at a central location, at the rate of two hundred (200) square feet per manufactured home, for the storage of boats, campers, etc (one-half (½) to be covered).
- 10.1.5 Manufactured homes shall have tie downs and underpinning installed within ninety (90) days from the siting in an MHP (Manufactured Home Park District).
- 10.1.6 Off-street parking spaces will be required.

10.2 Use Regulations

- 10.2.1 Permitted Uses:
“Class A & B” manufactured homes; (Mobile Homes, as defined, are not permitted in the City of Alexander.)
- 10.2.2 Accessory Uses:
Laundromat, vending machine center, recreation facilities, and related accessory uses incidental to the primary home use, provided that such structures be exclusively for the use of the residents of the mobile home park.
- 10.2.3 Temporary Uses:
Temporary uses allowable in the MHP (Manufactured Home District) shall be the same as those in the “R-1.SF” Single-Family District.
- 10.2.4 Conditional Uses:
 - (a) Conventional, site-built, single-family residential; or
 - (b) office buildings.

10.3 Height Regulations

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

10.4 Area Regulations

- 10.4.1 Site Area - The minimum site area shall be twenty (20) acres.
- 10.4.2 Exterior Setback - The minimum setback from any exterior property line shall be twenty-five (25) feet.
- 10.4.3 Interior Setback - The minimum setback from any interior drive shall be twenty (20) feet.
- 10.4.4 Average Tract Width - The average width of a manufactured home park space shall be not less than forty (40) feet.

- 10.4.5 **Manufactured Home Separation** - The minimum separation between mobile homes shall be twenty (20) feet.
- 10.4.6 **Density** - The maximum allowable density in any Manufactured Home Park shall be ten (10) manufactured homes per gross acre.
- 10.4.7 **Awnings and Carports** - Awnings and carports may extend no more than nine (9) feet from a manufactured home into the minimum twenty (20) foot separation distance. The carport or awning must be open from the ground to the roof structure; and must be constructed of non-combustible materials.

10.5 **Off-Street Parking**

Two (2) per each manufactured housing unit; plus one (1) additional for each five units for guests.

10.6 Requirements in sections 10.3, 10.4 and 10.5 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

10.7 **Ingress and Egress**

There will be a distinctive primary access entrance with a maximum of one (1) through-street or one (1) required stub-out for future street connection.

SECTION 11 DESCRIPTION OF COMMERCIAL DISTRICTS

The Commercial Districts established by this ordinance are designed to include the following two specific purposes:

- (a) To provide sufficient Neighborhood Commercial District space, at appropriate locations and in proximity to established residential areas, for local retail and service commercial catering specifically to the recurring shopping needs of the occupants of nearby residences.
- (b) To provide sufficient Highway Commercial District space at appropriate locations for varying types of wholesale and retail commercial, miscellaneous service activities and light industrial uses that are consistent in their marketing functions. These areas can accommodate those commercial and service uses which either generate heavy traffic or depend upon heavy traffic for their marketing function, and which often require open storage of products for sale, which serve not only the local residents but also the traveling public.

11.1 **The Commercial Districts**

The Commercial Districts shall be cited in this regulation and on the official zoning map of Alexander, Arkansas as follows:

- (a) “NC” Neighborhood Commercial District
- (b) “HC” Highway Commercial District

11.2 **General Zoning District Restrictions**

Unless otherwise specifically exempted in the appropriate district, the following restrictions shall apply to the two types of commercial districts:

- 11.2.1 Any lighting shall be so placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor, or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds the general level of noise, odor, or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.
- 11.2.2 Outdoor storage of trash receptacles shall be totally encircled or screened by a sight-proof fence, planting or other suitable visual barrier. The Planning Commission has final approval on placement and design.

SECTION 12 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

The Neighborhood Commercial (NC) district is located within neighborhood centers and is designed to serve the retail needs of the surrounding residential neighborhood.

The NC district shall generally be located at or near street intersections and within walking distance of residential areas. The design plan of uses in the NC district should emphasize street landscape areas. The display of retail goods is permitted out of doors for special occasions or holidays.

Any use which is found by the City of Alexander to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, light glare, noise, vibration or other disturbance is expressly prohibited.

12.1 NC District Development Criteria

- 12.1.1 All business establishments shall only deal directly with the customer. All goods produced on the premises shall be sold exclusively on the premises.
- 12.1.2 Loading or service areas shall be physically separated from all streets but shall provide motor vehicle access or egress, preferably by alleys.

12.2 NC District Use Regulations

These listed uses are typical and suggest the kinds of retail sales and services intended in the District. Others of similar character will be considered by the Planning Commission when submitted for establishment. The combination of two (2) or more of the retail products listed as permitted uses may be sold from one (1) establishment as is commonly done in “convenience” stores.

12.2.1 Permitted Uses:

- Antique Shops;
- Automobile Service Station: (All repair work shall be performed within a building. Tools, parts, and dismantled vehicles shall be stored within a building or screened from view from public streets.);
- Bakery or Confectioner: (Provided that goods are baked on the premises and shall be offered for sale only on the premises and at retail.);
- Bank or Trust Company, Savings and Loan: (Drive-in only facility not permitted.);
- Barbershop;
- Beauty Shop;
- Book, Newspaper, and Magazine store;
- Business Office;

- Dairy Products Store;
- Daycare;
- Delicatessen;
- Drugstore;
- Eating Establishments (Restaurant, Café, or Tea Room; no drive-through service);
- Electronic, Computer, Video Tape/DVD Shops;
- Florist;
- Fruit Store;
- Furniture Store;
- Gift Shop;
- Grocery Store;
- Hardware Store;
- Horticultural Nursery Products Store;
- Household Appliance, Retail and Repair;
- Jewelry Store;
- Laundromat;
- Laundry and Cleaning Pick-up Station;
- Market, Produce;
- Medical and Dental Clinics;
- Office (General business);
- Offices for Professional Services, including: (Doctors, dentists, lawyers, realtors, and general offices. See veterinarians.);
- Photographic Supply Store;
- Residential uses permitted in the R-2.MU (Mixed Use) District;
- Shoe Repair Shop;
- Tailor, Pressing, Laundry and Cleaning Shop: (Including valet services with not more than three pressing machines, and one (1) dry cleaning unit.);
- Taxicab Stand;
- Telegraph or Messenger Service;
- Theater, Cinema: (non-pornographic);
- Upholstery Shop;
- Variety and Dry Goods Store;
- Veterinarians, Office and Kennel: (All facilities enclosed, no outside animal runs or pens.); and
- Wearing Apparel Store: (new, used).

12.2.2 Conditional Uses:

- Funeral Home;
- Industrial Manufacturing: (Yard areas, and material stockpiles.);
- Mixed Use: (retail and office), (retail and residential), (office and residential); and
- Pet Shops: (Retail sale of domestic pets).

12.3 Bulk and Area Regulations for Commercial Uses and Mixed-Use Buildings

12.3.1 Lot area - Minimum of 2,500 square feet; maximum 16,000 square feet.

12.3.2 Lot width - At front building line, minimum 25 feet; maximum 80 feet.

12.3.3 Lot depth - Generally lots should be longer than wide. Maximum lot width eighty (80) feet at front building line then depth equals 200 feet.

12.3.4 Yard dimensions:

- (a) Front - Commercial retail/service or mixed use, none required;
- (b) Side (each side) - a minimum of five (5) feet if not attached to an adjacent building, maximum of twenty (20) feet;
- (c) Rear - a minimum of fifty-five (55) feet;

- (d) The front and side yard dimensions set forth in this subsection may be increased up to an additional fifteen (15) feet by the Planning Commission if deemed in the interest of public safety.

12.3.5 Height - Three stories, finished first floor must be level with the sidewalk, maximum height of forty-five (45) feet.

12.3.6 Building coverage of lot: maximum of seventy (70) percent.

12.3.7 Absorption (non-impervious) areas: minimum ten (10) percent of lot.

12.4 Requirements in Section 12.3 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

12.5 Parking Requirements

All parking must be off-street. The size of the parking lot and number of spaces will be determined by the Planning Commission and developer based on lot and building size. Parking spaces will be a minimum size of nine (9) feet wide and eighteen (18) feet long.

12.6 Screening Requirement

When an NC district abuts a residential district, a minimum six (6) feet high wood, rock or masonry fence is required with a landscape screen to buffer any NC district structure or activity from the residential district. Street frontage is exempt from the fencing requirement. The Planning Commission has final approval on design.

SECTION 13 HIGHWAY COMMERCIAL DISTRICT (HC)

Highway Commercial Districts (HC) are the intended locations for retail sales, wholesale sales, service, storage establishments and light industry serving the Alexander population, the regional market and the traveling public. These essential activities, which may involve some disturbance to adjacent residential areas, are to be located in the corridor of I-30, Arkansas State Highway 5 and Arkansas State Highway 111. Residential uses are not intended for location in Highway Commercial districts except only as living quarters for caretakers, and/or watchmen and their families.

13.1 HC District Development Criteria

13.1.1 The open storage of retail and wholesale goods in conjunction with business establishments is permitted.

13.1.2 Parking, loading, or service areas shall be physically separated from all streets. The minimum suitable separation shall be a curbed earth strip of at least ten (10) feet in width running the front width of the lot. Suitable driveways, which channel motor vehicles to access or egress, shall be provided and may cross the curbed separation area. The Planning Commission has final approval on design.

13.2 Permitted Uses

All retail sales and service uses permitted in the NC District, but without square footage restrictions on gross leaseable floor area. Additional uses included, but not limited to are:

- Animal boarding place or veterinarian’s clinic, enclosed kennel;
- Auction house;
- Automatic laundries (unattended), laundry and dry cleaning plant;
- Automotive/Truck uses: (Auto, truck and trailer rental lot, service stations, car/truck wash, parking and storage garages and lots, parts and supply stores, repair garages and body shops, new and used sales and service);
- Cleaning/Disaster restoration services (Commercial/Residential);
- Commercial recreation, as: (Bowling alleys, golf driving ranges, drive-in theaters, and skating rinks, etc.);
- Contractor (construction/repair, residential/commercial);
- Construction equipment (rental, repair);
- Drive-in banks and Savings and Loan Associations, etc.;
- Dry cleaning and laundry establishments;
- Eating establishments (cafes, restaurants). Drive-in service permitted;
- Flea Market;
- Fuel Sales (retail);
- Funeral Home;
- General Merchandise Store;
- Government buildings and offices;
- Lawn Care (residential/commercial);
- Marine equipment sales, storage, repair;
- Mixed Use: (retail and office), (retail and residential), (office and residential);
- Manufactured home sales;
- Motels, motor hotels, and retirement centers;
- Nursing homes;
- Places of public assembly;
- Pet Shops: (Retail sale of domestic pets);
- Printing and publishing;
- Public utility buildings and structures;
- Radio and television broadcast studios;
- Recreation vehicle sales and repair;
- Retail establishments selling goods, as: (Hardware, feed, poultry supplies, home building supply, lumber, farm equipment, manufactured homes, marine equipment (boats, trailers, etc.), etc.);
- Storage Units (Portable);
- Warehousing (Commercial warehouse, mini storage and open storage);
- Water treatment equipment (Residential/Commercial, Sales/Service); and
- Wholesale (Sales and storage).

13.3 Conditional Uses

Uses proposed for development in this district which are not specifically listed as permitted may be considered for development if found to be “in character” with the district by the Planning Commission. The procedure for Conditional Use Review, Section 26, shall be utilized for uses not listed.

13.4 Bulk and Area Regulations

13.4.1 Height Regulation:

No building, which is not an office building, hereinafter erected or structurally altered shall exceed a height of forty-five (45) feet or be more than three (3) stories. Office buildings shall not exceed a height of four (4) stories.

13.4.2 Area Regulations:

14.4.2.1 Lots fronting along roadways designated as Class I through Class IV (Interstate 30 and frontage roads, State Highway 5, State Highway 111, and other roads designated as such) shall adhere to the following area requirements:

- (a) Front Yard - There shall be a front yard having a set-back of not less than fifty (50) feet from the front property line to the front line of the building.

- (b) Side Yard - Side yard set-back shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard set-back shall be no less than twenty-five (25) feet.
- (c) Rear Yard - There shall be a rear yard having a depth of not less than fifteen (15) feet except when abutting a residential area, hence the rear yard shall not be less than 55 feet. In the case of a corner lot (abutting a street), and when providing a 25 foot exterior side yard, the rear yard may be reduced to be not less than twenty-five (25) feet.
- (d) Lot Coverage - Maximum lot coverage for all principal and accessory buildings shall be 35 percent of the total area of the site.

13.4.2.2 Lots fronting along roadways designated as Class V or Class VI, interior local commercial streets developed in conjunction with an approved commercial subdivision may adhere to the following area requirements:

- (a) Front Yard - None Required.
- (b) Side Yard - Side yard setback shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than twenty-five (25) percent of the lot dimension.
- (c) Rear Yard - There shall be a rear yard having a depth of not less than fifteen (15) feet except when abutting a residential area, hence the rear yard shall not be less than fifty-five (55) feet. In the case of a corner lot (abutting a street), and when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than twenty-five (25) feet.
- (d) Lot Coverage - Maximum lot coverage for all principal, accessory buildings and off-street parking shall be eighty-five (85) percent of the total area of the site.

13.4.2.3 The front, side and rear yard dimensions set forth in subsections 13.4.2.1 and 13.4.2.2 may be increased to accommodate anticipated future highway improvements or to provide safer sight distance for motoring public by the Planning Commission. The maximum allowable increase is twenty (20) feet.

13.4.3 Absorption (non-impervious) area; minimum ten (10) percent of lot.

13.5 Requirements in Section 13.4 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

13.6 Screening Requirements

When an HC abuts a residential district, a minimum six (6) foot high wood, rock or masonry fence is required with a landscape screen to buffer any HC structure or activity from the residential district. Street frontage is exempt from the fencing requirement. The Planning Commission has final approval on design.

13.7 Parking Requirements - All parking must be off-street. The size of the parking lot and number of spaces will be determined by the Planning Commission based on lot and building size. Parking spaces will be a minimum size of nine (9) feet wide and eighteen (18) feet long.

SECTION 14 DESCRIPTION, GENERAL REQUIREMENTS OF INDUSTRIAL DISTRICTS

14.1 Purpose

The Industrial District Zones are to provide for development of light to heavy industrial uses and related facilities. The regulations for the Industrial Districts are designed to:

- (a) Make available a range of suitable sites for all types of manufacturing and related activities;
- (b) Protect residences by separating them from manufacturing activities and by limiting the use of each space for new residential development;
- (c) Provide restricted areas for those industries emitting objectionable noises, odors, or which involve danger of fire or explosives;
- (d) To protect industrial activities and related developments against congestion, as appropriate for each area, by limiting building bulk in relation to surrounding land and other industries and providing off-street parking and loading with each development;
- (e) To promote desirable land use and building development direction and to provide stability for industry and related development in an effort to strengthen the City's economic base; and
- (f) To protect district character and usage and to conserve land and building value.

14.2 Development Criteria

Unless otherwise specifically provided in the regulations for individual industrial districts, the following development criteria shall apply:

- (a) Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor, or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
- (b) Outdoor storage of trash receptacles shall be totally encircled or screened by a sight-proof fence, planting or other suitable visual barrier. The Planning Commission has final approval on design.
- (c) A permanent opaque screening fence or wall shall be constructed along any side or rear property line, which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than six (6) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property. The Planning Commission has final approval on design.
- (d) No loading or storage of material shall be permitted in the required front yard.

14.3 Lot, Yard and Height Regulations

- 14.3.1 No lot or yard shall be established or reduced in dimension or area in any industrial district in a manner that does not meet the minimum requirements set forth for that district. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district.
- 14.3.2 A minimum of ten (10) feet shall separate all detached buildings.
- 14.3.3 In all industrial zones, each lot must have a minimum of fifty (50) feet of street frontage, and a minimum depth at its shallowest point of one hundred (100) feet with the depth measured at right angles or radial to the center line of the street.
- 14.3.4 All accessory buildings shall meet the same lot, yard, and height regulations as principal buildings.

14.4 Accessory Uses Permitted

Accessory uses, that are incidental to permitted uses, and pertaining to accessory buildings and improvements shall be permitted in all Industrial Districts.

14.4.1 Accessory Building Requirements

Accessory buildings shall be governed by the following provisions:

14.4.1.1 Detached:

Accessory buildings must be detached from the main structure or such accessory building shall be considered as an addition to the main or principle building.

14.4.1.2 Setbacks:

- (a) Accessory buildings shall be no closer than five (5) feet to any interior lot line.
- (b) Accessory buildings shall be located behind the rear of the main structure or no closer than sixty (60) feet from the front property line.
- (c) Accessory buildings located on a corner lot shall be no closer than sixty (60) feet to one (1) of the two (2) front lot lines. The setback from the other front lot line shall not be closer than the established front setback of the main structure.
- (d) Accessory buildings shall be no closer than ten (10) feet to the principle building unless attached to and considered part of the principle structure. Attachment to the principle building shall be by means of the structural attachment of abutting walls or by a roofed structure with a minimum four (4) foot width.
- (e) Accessory buildings shall be no closer than ten (10) feet from other accessory buildings on the lot unless the accessory buildings are attached by means of the structural attachment of abutting walls or by a roofed structure with a minimum four (4) foot width.

- (f) Accessory buildings shall not be located in any easement unless written approval is provided by the authority holding rights to the easement.

14.4.1.3 Height:

Accessory buildings shall not exceed the maximum height as allowed for the related main building in that zone.

14.4.1.4 Area Limitations:

- (a) Total area of commercial accessory building(s) shall not be larger than one hundred sixty (160) square feet.
- (b) Total area of residential accessory building(s) shall not be larger than fifty (50) percent of the covered roof area of the main building.
- (c) Residential accessory structures located on lots of one (1) acre or greater may have a total accessory building area of seventy-five (75) percent of the covered roof area of the main structure.

14.4.1.5 Building Permit Requirement:

A building permit is required for all accessory buildings, except residential accessory buildings fifty (50) square feet or less in area.

14.4.1.6 Building Code Requirements:

- (a) Footing and Foundation Requirements: Accessory buildings larger than one hundred sixty (160) square feet are required to be anchored to footings and foundations in accordance with the adopted building codes.
- (b) Structural Framing Requirements:
 - (i) Wood frame accessory buildings shall be constructed to meet the prescriptive framing and sheathing requirements of the adopted building codes.
 - (ii) Metal frame accessory buildings require the submission of engineered drawings and engineered documentation to confirm the design of the accessory building meets the minimum design loads required by the adopted building codes.
 - (iii) Prefabricated accessory buildings shall have:
 1. The framing members exposed for inspection to verify compliance with the adopted building codes, or
 2. Engineering drawings and documentation shall be provided to confirm the design and construction of the structural framing in a prefabricated accessory building meets the minimum design loads required by the adopted building codes.

(c) Electrical, Mechanical and Plumbing Requirements:

- (i) Electrical, mechanical and plumbing permits and inspections are required for such work when installed in accessory buildings.
- (ii) Electrical, mechanical and plumbing work done in prefabricated structures that cannot be visually inspected by the city inspector requires engineering drawings and documentation to confirm the design and installation of the electrical, mechanical and plumbing systems meet the requirements of the adopted electrical, mechanical and plumbing codes.

14.4.2 Construction, Interim and Temporary buildings shall be governed by the following provisions.

14.4.2.1 Prohibited Uses: In no case shall a Construction, Interim, or Temporary building be used as the primary place of business or for habitation.

14.4.2.2 Building Permits:

- (a) Construction Building: Construction buildings are not required to obtain building permits.
- (b) Interim Building: Interim buildings are required to obtain interim building permits prior to moving the building onto a parcel. The procedures and fees for obtaining interim building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The interim building permit will only be issued after the issuance of the building permit for the building that is to replace the interim building. The interim building may be permitted for up to 24 months. The interim building permit will state the date the interim building is to depart the parcel or lot. The interim building is to the site no later than the end of the day noted on the permit. A variance may be issued to allow an interim building to remain up to an additional twelve (12) months provided there are unusual circumstances that justify the extension of the interim building permit. This variance will be issued by the Zoning Board of Adjustment per variance procedure guidelines as specified in Section 26.2.
- (c) Temporary Building: Temporary buildings are required to obtain a building permit prior to moving the building onto a parcel. The procedures and fees for obtaining temporary building permits will be the same as those for obtaining a building permit except as noted in this ordinance. The temporary building may be permitted for up to 24 months. The temporary building permit will state the date the temporary building is to depart the parcel or lot. The temporary building is to leave the site no later than the end of the day noted on the permit. A variance may be issued to allow a temporary building to remain up to an additional 12 months provided there are unusual circumstances that justify the extension of the temporary building permit. This variance will be issued by the Zoning Board of Adjustment per variance procedure guidelines as specified in Section 26.2.

- (d) Special Event Temporary Buildings: The Mayor may grant approval for a special event temporary building for events which are fourteen (14) or fewer days in length and which are community-wide events which bring benefits to the community as a whole. At the Mayor's discretion, no fees will be paid for those permits and the permits may be issued for temporary buildings which may be situated in the public right-of-way and/or which may not meet the Zoning Ordinance requirements for building setbacks. At the mayor's discretion, a tent or awning, or in special circumstances, a building which exceeds the dimensional requirements of this ordinance may be granted a special event temporary building permit. Approval of the fire marshal is required for tents larger than 200 square feet in area.

14.4.2.3 Building/Construction Code Requirements:

(Building, Electrical, Mechanical and Plumbing)

- (a) Construction Buildings: Construction buildings may be transported onto a parcel or lot without the requirement for verification of building/construction code compliance, but may be subject to code inspection upon placement of the building.
- (b) Interim and Temporary Buildings: Engineering drawings and documentation shall be provided to confirm the design and construction of interim buildings meet the minimum requirements of all building/construction codes. Certification shall be provided by an approved third party attesting to compliance of the building with the adopted building/construction codes.
- (c) Special Event Temporary Buildings: Special Event Temporary Buildings may be transported onto a parcel or lot without the requirement for verification of building/construction code compliance, but may be subject to code inspection upon placement of the building.
- (d) Anchorage Requirements for Wind Loads:
 - (i) Construction buildings do not require anchorage to a permanent foundation but must have tie downs sufficient to resist design wind loads as established by the building code.
 - (ii) Interim buildings must be installed with anchorage adequate to resist the design wind loads as established by the building code.
 - (iii) Temporary buildings in place for seven (7) days or less are not required to have foundations or tie downs to resist wind loads.
 - (iv) Temporary buildings in place for longer than seven (7) days must be installed with anchorage adequate to resist the design wind loads as established by the building code.
- (e) Electrical Code Requirements: All power supplies to interim, construction, temporary and prefabricated buildings shall be protected from vehicular

traffic. All construction, interim, temporary and prefabricated buildings must meet all requirements of the electrical code adopted by the City of Alexander except as stated herein:

- (i) Construction buildings may be served from a temporary power pole;
- (ii) Interim buildings must be served by permanent power;
- (iii) Temporary buildings in place for six (6) months or less may be served from a temporary power pole; and
- (iv) Temporary buildings in place for longer than six (6) months must be served by permanent power.

14.4.2.4 Parking: In no instance, except for special event temporary building permits, may the movement of an interim, construction, or temporary building onto a parking lot reduce the number of available parking spaces below the minimum required for that building and for other buildings upon that same lot that are complete and ready for occupancy.

14.4.2.5 Building Moving Permit: Building moving permits are not required for prefabricated buildings including construction, interim, and temporary buildings.

14.4.2.6 Health Department Requirements: All construction, interim and temporary buildings are required to meet all requirements of the State Health Department.

14.4.3 Accessory uses may include the following accessory signs; business signs, real estate signs and subdivision signs.

14.5 Requirements in Section 14 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 15 NEIGHBORHOOD INDUSTRIAL DISTRICT (NI)

15.1 Purpose

The NI District is a restricted manufacturing zone for clean and quiet industries that are in proximity to residential development. The regulations are intended to provide structures and operations that completely confine noise, odor, dust and glare of operation within an enclosed building. The uses in this zone do not create excessive demands for facilities for sewage, water, gas, electricity and similar services.

15.2 Development Criteria

See Section 14.2.

15.3 Permitted uses

The following uses shall be permitted in an NI district:

- Any permitted use in an NC District;
- Agricultural-Limited;
- Burial Facilities (Cemetery);
- Child Care Facilities;

- Manager/Caretaker Residence;
- Newspaper Office/Print Shop;
- Parking Lot As Principal Use;
- Publicly-Owned Service Facilities;
- School Activities; and
- Similar uses in character with the District.

15.4 Conditional Uses

The following uses shall be permitted in an NI district with Conditional approval:

- Agricultural-Commercial;
- Hospital Services;
- Indoor Firing Range;
- Laboratory Research Facilities;
- Recreational Facilities (Commercial);
- Recreational Facilities (Community);
- Retail (General);
- Retail (High Impact);
- Retail (Restricted);
- Sewer Treatment Plant;
- Solid Waste Disposal;
- Transmission Towers/Station;
- Transportation Facilities/Excluding Airports;
- Utility Facility; and
- Veterinarian Service/Large Animal.

Uses proposed for development in this District which are not specifically listed as “Permitted” may be considered for development if found to be “in character” with the District by the Planning Commission. The procedure for conditional use review, Section 26, shall be utilized for uses not listed.

15.5 Accessory Uses Permitted

See Section 14.4.

15.6 Height Regulations

No building or structure shall be erected or enlarged that will cause the maximum height to exceed thirty-five (35) feet or two-and-a-half (2 1/2) stories.

15.7 Area Regulations

The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

- 15.7.1 Front Yard: There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than fifty (50) feet. This front yard requirement shall apply to any portion of the tract of land zoned NI, which abuts any public street.
- 15.7.2 Side Yard: There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than twenty-five (25) feet when abutting a street right-of-way, or twenty (20) feet when abutting a residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.
- 15.7.3 Rear Yard: When abutting a street right-of-way the rear yard shall have a depth of not less than twenty-five (25) feet. When abutting a residential district the rear yard shall have a depth of not less than twenty (20) feet, or twelve (12) feet when abutting a non-residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.

15.7.4 Lot Area Regulations: There shall be a lot area of not less than twenty thousand (20,000) square feet. The minimum lot width at the building line is one hundred (100) feet and maximum lot coverage is forty (40) percent.

15.8 Requirements in sections 15.6 and 15.7 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 16 LIGHT INDUSTRIAL DISTRICT (LI)

16.1 Purpose

The LI District is designed to provide a use area for wholesaling, storage, packaging, display, distribution and those retail uses that are accessory to the operations and for light manufacturing, assembling and fabrication of a non-nuisance nature.

16.2 Development Criteria

16.2.1 Criteria requirements stated in Section 14.2.

16.2.2 Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in LI districts:

- (a) The height of any opaque screening fence or wall shall not be less than six (6) feet;
- (b) Automobile, bus, truck, tractor, manufactured home, boat or motorcycle, and wheeled and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale; and
- (c) Other business uses shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not larger than an area equal to one-half (1/2) of the facade area of the front of the building.

16.3 Permitted uses

The following uses shall be permitted in LI districts:

- Any permitted use in the NC, HC and NI districts;
- Agricultural-Commercial;
- Arena Auditorium as Principal Use;
- Equipment Storage (Used for industrial installation, maintenance and repair);
- Graphics application/manufacture;
- Hospital Services;
- Indoor Firing Range;
- Laboratory Research Facilities;
- Hotel/Motel;
- Manufacturing (Light);
- Printing;
- Recreational Facilities (Commercial);
- Recreational Facilities (Community);
- Retail (General);
- Retail (Restricted);
- Sewer Treatment Plant;
- Steel building contractor (equipment storage, fabrication shop)
- Transmission Towers/Station;
- Transportation Facilities/Excluding Airports;
- Utility Facility;
- Vehicular Sales;
- Veterinarian Service/Large Animal; and
- Similar uses in character with the District.

16.4 Conditional Uses

The following uses shall be permitted in LI districts with Conditional approval:

- Coatings application/manufacture;
- Hazardous Material Storage as Primary Use;
- Mining;
- Retail – High Impact;
- Sand/Gravel/Earth (Sales and Storage);
- Solid Waste Disposal; and
- Vehicle Salvage.

Uses proposed for development in this District which are not specifically listed as “Permitted” may be considered for development if found to be “in character” with the District by the Planning Commission. The procedure for conditional use review, Section 26, shall be utilized for uses not listed.

16.5 Accessory Uses Permitted

See Section 15.4.

16.6 Height Regulations:

No building or structure shall be erected or enlarged that will cause the maximum height to exceed thirty-five (35) feet or two-and-a-half (2 1/2) stories.

16.7 Area Regulations

The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

16.7.1 Front Yard: There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than forty (40) feet. This front yard requirement shall apply to any portion of the tract of land zoned LI, which abuts any public street.

16.7.2 Side Yard: There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than twenty-five (25) feet when abutting a street right-of-way, or twenty (20) feet when abutting a residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.

16.7.3 Rear Yard: When abutting a street right-of-way the rear yard shall have a depth of not less than thirty-five (35) feet. When abutting a residential district the rear yard shall have a depth of not less than twenty (20) feet, or twelve (12) feet when abutting a non-residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.

16.7.4 Lot Area Regulations: There shall be a lot area of not less than ten thousand (10,000) square feet. The minimum lot width at the building line is one hundred (100) feet and maximum lot coverage is fifty (50) percent.

16.8 Requirements in sections 16.6 and 16.7 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 17 HEAVY INDUSTRIAL DISTRICT (HI)

17.1 Purpose

The HI District is designed primarily to provide a zone for those manufacturing and other industrial activities objectionable to business and residential uses by reason of operational characteristics and insulated from these uses by strips of less objectionable industry or natural barriers. This zone is intended to provide a place for manufacturing products from raw materials.

17.2 Development Criteria

17.2.1 See Section 14.2.

17.2.2 All of the lot used for the storage and display of vehicles or merchandise shall be a dust-proof surface such as SB-2 gravel or paved with a sealed surface that shall be maintained in such a manner that dust shall not be produced. All driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of the Master Street Plan and/or the Alexander Subdivision Rules and Regulations.

17.3 Permitted uses

The following uses shall be permitted in HI districts:

- Any permitted use in the NC, HC, NI, and LI districts;
- Cement/Concrete Plant;
- Coatings application/manufacture;
- Earth Moving Equipment (Storage);
- Manufacturing – Heavy;
- Retail (High Impact);
- Sand/Gravel/Earth Sales Storage;
- Solid Waste Disposal;
- Vehicle Salvage;
- Veterinarian Service/Large Animal; and
- Similar uses in character with the District.

17.4 Conditional Uses

The following uses shall be permitted in HI districts with Conditional approval:

- Hazardous Material Storage as Primary Use;
- Manufacturing (Hazardous);
- Mining; and
- Tanning/Rendering.

Uses proposed for development in this District which are not specifically listed as “Permitted” may be considered for development if found to be “in character” with the District by the Planning Commission. The procedure for conditional use review, Section 26, shall be utilized for uses not listed.

17.5 Accessory Uses Permitted

See Section 15.4.

17.6 Height Regulations

No building or structure shall be erected or enlarged that will cause the maximum height to exceed seventy-five (75) feet or six-and-a-half (6 1/2) stories.

17.7 Area Regulations

The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

- 17.7.1 Front Yard: There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than twenty-five (25) feet. This front yard requirement shall apply to any portion of the tract of land zoned HI, which abuts any public street.
 - 17.7.2 Side Yard: There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than fifteen (15) feet when abutting a street right-of-way, or fifty (50) feet when abutting a residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.
 - 17.7.3 Rear Yard: When abutting a street right-of-way the rear yard shall have a depth of not less than fifty (50) feet. When abutting a residential district the rear yard shall have a depth of not less than fifty (50) feet, or twelve (12) feet when abutting a non-residential district. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.
 - 17.7.4 Lot Area Regulations: There shall be a lot area of not less than twenty thousand (20,000) square feet. The minimum lot width at the building line is one hundred (100) feet and maximum lot coverage is forty (40) percent.
- 17.8 Requirements in sections 17.6 and 17.7 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 18 AIRPORT-INDUSTRIAL (AI)

18.1 Purpose

These district regulations apply to land within the City of Alexander located either near, or adjacent to, other property zoned for airport industrial use. The purpose of this section is to establish a zoning district that permits industrial development activities related to the Saline County Airport.

The Airport-Industrial zoning district (AI) is intended to minimize the conflict between urban land uses and rural land uses by protecting areas suitable and desirable for airport industrial uses from the intrusion of incompatible uses.

18.2 Development criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply to the AI district:

- 18.2.1 Dumping of trash, waste or other offensive materials of any kind is prohibited unless officially approved as a governmental or private landfill;
- 18.2.2 The emission of vibration, noise, odor, smoke, dust or particulate matter outside the boundaries of the site which adversely affects the health, safety or general welfare of the community is prohibited.

18.3 Permitted uses

The following uses shall be permitted in the AI districts:

18.3.1 Agriculture, farming, gardening, silviculture orchards and other customary agricultural pursuits;

18.3.2 Forestry land operations; and

18.3.3 Industrial uses such as manufacturing, assembling and fabrication, and for warehousing, wholesale, service uses, mining, and remediation/restoration.

18.3.4 Other permitted uses include:

- Any permitted use in the NC and HC districts;
- Agriculture, Silviculture, etc.;
- Automobile/Truck Sales and Leasing;
- Field Assembly or Fabrication;
- General manufacturing, assembly or fabrication;
- Greenhouse or nursery;
- Private Roads - Not open to the general public, but serving permitted uses of the district;
- Recycling, Reuse, Demolition;
- Remediation, Reclamation, Restoration, Conservation;
- Research or Testing;
- Self-Storage Facility (Mini-Storage, Mini-Warehouses);
- Similar uses in character with the District.
- Warehousing or wholesaling; and
- Water collection, transportation, storage, treatment, and discharge.

18.4 Conditional Uses

- Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster;
- Compounding or Packaging of Chemicals;
- Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products;
- Industrial uses having unusual accompanying hazards such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic gases may be permitted if not in conflict with any law or ordinance in the City of Alexander or the State of Arkansas;
- Landfill.
- Manufacturing of Asphalt or Asphalt Products;
- Manufacturing of Food Products, including Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles;
- Manufacturing of Cement, Lime or Plaster-of-Paris;
- Manufacturing of Ceramic Products - Brick, Tile, Clay, Glass, Porcelain;
- Manufacturing of Custom Ceramic Products;
- Outdoor storage of materials associated with industrial uses;
- Petroleum Products Storage;
- Research or Testing Laboratory; and
- Storage of Flammable Gases or Liquids.

Uses proposed for development in this District which are not specifically listed as “Permitted” or “Conditional” may be considered for development if found to be “in character” with the District by the Planning Commission. The procedure for conditional use review, Section 26, shall be utilized for uses not listed.

18.5 Height Regulations

There shall be a maximum height restriction of fifty (50) feet in the AI Airport-Industrial District.

18.6 Area Regulations:

The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

18.6.1 Front Yard: There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than fifty (50) feet. This front yard requirement shall apply to any portion of the tract of land zoned for I/M Industrial/Mining which abuts any public street.

18.6.2 Side Yard: There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than thirty-five (35) feet from any building or structure to the side property line.

18.6.3 Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet.

18.6.4 Lot Area Regulations: There shall be a lot area of not less than ten (10) acres. In addition, no dimension (depth or width) shall be less than two hundred fifty (250) feet.

18.7 Requirements in sections 18.5 and 18.6 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 19 DESCRIPTION, GENERAL REQUIREMENTS OF AGRICULTURAL DISTRICTS

19.1 General Description and Purpose

The regulations for Agricultural Districts are designed to preserve and protect prime agricultural lands and to protect undeveloped areas and residential areas from intensive agricultural uses. In Agricultural Districts it is required that all self-propelled farming or earth digging/moving equipment be stored in a permanent structure/building or under roof when not in use.

19.2 Lot, Yard and Height Regulations

No lot or yard shall be established or reduced in dimension or area in any Agricultural District in a manner that does not meet the minimum requirements for AG1 districts. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations for Agricultural Districts to be exceeded. However, a building or structure may exceed the maximum allowed height, but not number of stories, when an additional one (1) foot of each yard setback is provided for each one (1) foot of additional height.

A minimum of ten (10) feet shall separate all detached buildings. Each lot must have a minimum of thirty-five (35) feet of street frontage. Each lot must be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the center line of the street.

Accessory buildings shall meet the same requirements as principal buildings.

19.3 Height Regulations

No building or structure shall be erected or enlarged that will cause the maximum height to exceed thirty-five (35) feet or two-and-a-half (2 1/2) stories. A building or structure may exceed the maximum height shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.

19.4 Area Regulations

The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

19.4.1 Front Yard: There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than thirty (30) feet.

19.4.2 Side Yard: There shall be a side yard, measured from the side property line to the building or structure, having a minimum width of ten (10) feet interior and thirty (30) feet exterior.

19.4.3 Rear Yard: The rear yard shall have a depth of not less than twenty-five (25) feet.

19.4.4 Lot Area Regulations: There shall be a lot area of not less than forty-three thousand five hundred sixty (43,560) square feet; one (1) acre. The minimum lot width at the building line is one hundred fifty (150) feet and maximum lot coverage is thirty (30) percent.

19.5 Requirements in sections 19.3 and 19.4 may be amended by the Planning Commission, with approval of the City Council, if it is determined changes are needed to accommodate the needs of the developer or property owner. Amendments to above regulations must also be “in character” with the District.

SECTION 20 AGRICULTURAL DISTRICT-1 (AG-1)

20.1 Purpose

The AG1 District is designed to provide a use area for farms and general farming including horticulture; floriculture; farm forestry; the growing, cultivating and harvesting of crops; and other similar enterprises or uses. No farms in AG1 districts shall be operated as piggeries, or for the raising of livestock, the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

20.2 Use Regulations

20.2.1 Permitted Uses

- Agricultural - Limited;
- Farming; all legal plants, no livestock;
- Forestry; growing, harvesting or preserving trees and/or forest products;
- Greenhouse;
- Home Occupation;
- Manager/Caretaker/Owner’s Residence (Single-family site-built, or manufactured housing);
- Nursery (plants);
- Retail sale of farm products raised on premises; and
- Truck garden.

20.2.2 Conditional Uses

The following uses may be permitted in AG1 districts with Conditional approval:

- Burial Facilities;
- Convalescent, Maternity or Nursing Facility;
- Child Care Facilities;
- Hospital Services;
- Laboratory/Research Facility;
- Mining;
- Publicly-Owned Service Facility;
- Recreational Facilities, Community;
- Religious Activities;
- Sand/Gravel/Earth Sales/Storage;
- School Activities;
- Sewer Treatment Plant;
- Solid Waste Disposal;
- Transmission Towers/Station;
- Transportation Facilities/ Excluding Airports;
- Veterinarian Services/Large Animal; and
- Wholesaling or warehousing of farm products and/or by-products.

20.3 Accessory Uses Permitted

Accessory uses that are incidental to permitted uses in the Agricultural District and not detrimental to the adjacent property or character of the zone may include guest houses, employee's quarters and agricultural buildings. Accessory uses may include the following accessory signs: bulletin boards, business signs, home occupation signs, identification signs, name plates, real estate signs and subdivision signs.

SECTION 21 AGRICULTURAL DISTRICT-2 (AG-2)

21.1 Purpose

The AG-2 District is designed to provide the same use as stated in Section 20.1 with the addition of raising, keeping, or boarding of horses. No farms in AG-2 districts shall be used for the keeping of pigs or the operation of piggeries, the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

21.2 Use Regulations

21.2.1 Permitted Uses

- Same as Section 20.2.1 plus the following items;
- Agricultural - Commercial;
- Apiary;
- Farming; all legal plants;
- Fishery;
- Horses (Raising, keeping, or boarding);
- Public stable;
- Veterinarian Services/Large Animal; and
- Wholesaling or warehousing of farm products and/or by-products.

21.2.2 Conditional Uses

Same as Section 20.2.2; and
Livestock, excluding pigs and piggeries.

21.3 Accessory Uses Permitted

Same as Section 20.3.

SECTION 22 OPEN SPACE, RECREATION DISTRICT (OSR)

22.1 Purpose and Intent

The “OS” District has the purpose to protect the public health, safety, and welfare by protecting set aside open space whether for institutional reasons or aesthetic reasons or for the protection of land area where natural topography creates practical difficulty for urban development. It is the intent of this district to enhance the natural conditions of open space areas and to reduce the disproportionate costs of providing public facilities.

The “OS” District is proposed for application to public and private recreational areas including playground, pedestrian walkways, buffer strips, parks, golf courses, and country clubs where these uses comprise a significant component of the city’s open space network.

22.2 Preservation of Open Space

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof.

22.2.1 Dedication of open space to the municipality or an appropriate public agency, if there is a public agency willing to accept the dedication.

22.2.2 Common ownership of the open space by a Residence Association which assumes full responsibility for maintenance.

22.2.3 Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

22.3 Development Criteria

Unless otherwise specifically provided in this ordinance, the following development criteria shall apply to the “OS” District.

22.3.1 Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.

22.3.2 The location of off-premises outdoor advertising shall be prohibited.

22.3.3 Where the “OS” District is established, all such areas shall remain in their natural state unless otherwise authorized by the City of Alexander.

22.3.4 A buffer of “OS” zoning shall be no less than twenty (20) feet wide.

22.3.5 Enhancement, such as additional screening or planting, of the open space area, when proposed for use as a required buffer zone, may be required.

22.4 Conditional Uses

All uses of land and structures and the building or alteration of proposed structures in the “OS” District, whether by private or public means, shall be construed to be conditional uses and shall follow the procedures for conditional uses found in Section 26 of this ordinance. Some uses, which are characteristic of an open space district and which may be considered for conditional use as listed, are:

- 22.4.1 Municipal, governmental, private or philanthropic, recreational use, including parks, playgrounds, tennis courts, golf courses, open skating rinks, hiking or bridle paths, and bicycle paths;
- 22.4.2 Country club, golf course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for mutual recreation for the members and not as a business for profit;
- 22.4.3 Wildlife refuge or bird sanctuary;
- 22.4.4 Greenhouses and structures associated with a public arboretum;
- 22.4.5 Recreation, refreshment, and service buildings in parks, playgrounds and golf courses;
- 22.4.6 Park facilities;
- 22.4.7 Public utility buildings and facilities when necessary for serving the surrounding area.

22.5 Area Regulations:

No yard or height dimensions are set in this section for uses and structures in the “OS” District. Determination of area regulations and flood plain ordinance compliance shall be determined and recommended by the Planning Commission in the conditional use review process on a case-by-case basis.

SECTION 23 FLOODWAY DISTRICT (FW)

23.1 Purpose and Intent

The “FW” Floodway District designates areas where special flood hazards exist. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property. The purpose of the “FW” district is to protect the lives and property of persons living in areas subject to the effects of the Floodway. The following provision shall apply.

Encroachments are prohibited, including fill, new construction, alteration of stream beds to new location, substantial improvements and other development unless certification by a registered professional is provided demonstrating that encroachment will not result in any increase in flood levels during occurrence of the base flood discharge.

23.2 Conditional Uses:

- Athletic fields
- Golf courses
- Landing strips for air craft
- Marinas and boat landings
- Public or private parks
- Temporary mobile storage

The conditional uses and others in character with those listed may all be considered but all are subject to the limitations cited in the preceding paragraph and approved by the Corps of Engineers.

SECTION 24 PLANNED UNIT DEVELOPMENT (PUD)

24.1 Planned Unit Development - Standards, Conditions and Review Guidelines

This section covers all landowners not previously addressed in the other sections and those parties desiring a land use not allowed in the zoning district in these regulations. The Planning Commission shall consider the Planned Unit Development (PUD) in lieu of the intent, purpose, standards, and review guidelines set forth herein.

Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity, and welfare of the community.

24.1.1 Screening and Landscaping - In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening.

24.1.2 Open Space - Well designed open space is an important factor in providing for innovative design and visual attractiveness. Open space shall be evaluated utilizing the following general guidelines:

- (a) A minimum of ten to fifteen percent (10-15%) of gross Multi-Family Residential areas shall be designated as usable open space;
- (b) Single-Family detached developments shall have a minimum of 500 square feet of usable private open space per unit; and
- (c) No more than one-third (1/3) of the common usable open space may be covered by water.

24.1.3 Traffic Circulation - The following traffic circulation guidelines shall apply:

- (a) Adequate internal and external street systems;
- (b) Sites without access to either collector or arterial streets shall be developed at a density not to exceed four (4) units per gross acre;
- (c) The traffic circulation system shall be compatible with its proper function, and in connecting streets and the Master Street Plan.
- (d) Internal local streets shall be designed to discourage speeding through the neighborhood unit and to adjacent areas.

24.1.4 Parking Standards - The off-street parking and loading standards found in this regulation shall apply to the specific gross usable or leasable floor areas of the respective use areas. The Planning Commission will designate those streets or street segments, which will be designed for on-street parking and off-street parking requirements.

24.1.5 Ordinances - Land uses approved for other zoning districts included in the PUD must comply with all applicable ordinances.

24.1.6 Financing of Public Improvements - The Planning Commission shall encourage the applicant to establish improvement districts or other equitable means of financing infrastructure improvements.

24.2 General Eligibility and Staging Requirements Applicable to Planned Unit Development (PUD)

Three standards of eligibility, which must be met, relate to location, ownership, and size. Projects may be staged at the option of the developer.

24.2.1 Location - Eligible properties shall lie within the planning and zoning area of the city.

24.2.2 Ownership - Eligible applicants for preliminary plan review must be the landowners of record, holders of a lease for not less than 50 years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in these Regulations.

24.2.3 Minimum Size - Eligible properties must normally be 1/2 (half) acre or larger in size (gross acreage). Smaller parcels may be eligible if justified by the owner.

24.3 Application Review Procedures, Planned Unit Development (PUD)

The PUD application procedure shall consist of three phases;

- (a) A pre-application conference with City of Alexander “staff” comprised of three city department heads named by the Mayor;
- (b) A Preliminary Development Plan reviewed by the Planning Commission and the City Council; and
- (c) A Final Development Plan and Plat approved as a whole or in phases by the Planning Commission and city staff following its review for compatibility with the comprehensive land use plan.

24.3.1 The preliminary development plan will be reviewed by staff, and any other affected City departments, and their recommendations shall be forwarded to the Planning Commission. A public hearing for the preliminary plan shall be set not later than sixty (60) days after filing and shall be legally advertised by the Planning Commission at least one (1) time in a newspaper of general circulation in the city, fifteen (15) days before the meeting.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the PUD proposal. The Planning Commission will evaluate the proposal in light of regulation guidelines and will take action after weighing the recommendations of the staff, the developer’s presentation, and the community’s response. The Commission shall approve, grant approval conditioned on specified modifications, or disapprove of the planned unit development proposal. The applicant will receive written notification of the action taken by the Planning Commission within ten days of the meeting date. Detail concerning the approval status follows.

24.3.2 If the preliminary development plan is conditionally approved, the applicant shall have ninety (90) days from the date of the Planning Commission action granting conditional approval, to submit a revised preliminary development plan.

If a preliminary development plan is denied, the applicant may appeal to the City Council, provided a written request is filed within thirty (30) days of the denial by the Planning Commission.

The final Development Plan and Plat shall be approved prior to the issuance of any building permits within any portion of the PUD.

24.3.3 The applicant shall generally have one (1) year from the date of preliminary plan approval to submit the final Development Plan and Plat.

24.3.4 The Final Development Plan and Plat review shall be conducted by the Planning Commission and staff. They will review the final development plan and plat to determine that no substantial changes were made to those elements of the plan agreed upon in the preliminary development plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for Preliminary Development Plan review.

24.3.5 The Final Development Plan and Plat shall be deemed to be in substantial compliance with the Preliminary Development Plan provided the plan and plat does not:

- (a) Increase proposed floor area for nonresidential use or;
- (b) Increase total building coverage or;
- (c) Increase building height, or;
- (d) Increase total number of dwelling units by more than five (5) percent within a given phase.

24.4 After the Final Development Plan and Plat has been approved, the applicant shall enter into an agreement with the City in order to install the required public improvements. The applicant shall either:

24.4.1 Post a performance bond in an amount determined by the project engineer and approved by the City staff; said deposit to be placed in an interest-bearing account with interest credited to the applicant and subject to an agreement permitting the City use of the deposit for completion of the improvements if the applicant becomes in default under the contract for improvements; or

24.4.2 Enter into a tri-party agreement with the City and project lender requiring that:

- (a) The funds for the required improvements will be set aside and held separate from the balance of the development financing;
- (b) The funds set aside will be disbursed only for the required public improvements and for no other purpose; and

- (c) The funds will be disbursed in direct payment for completion of the improvements if the applicant becomes in default under the contract for improvements.

24.5 Development Plan Submission

24.5.1 A PUD plan shall meet the following requirements:

- (a) Submitted on a sheet not to exceed twenty-four (24) inches by thirty (30) inches, or less than twelve (12) inches by twenty-four (24) inches, and containing a small-scale vicinity map. Informational items may be developed as overlays of the basic map such as floor area, landscaping, etc.;
- (b) To scale (scale indicated) and directionally oriented;
- (c) Proposed lot lines and plot designs;
- (d) Existing and proposed circulation system of all streets (arterial, collector, residential) including off-street parking areas, services areas, loading areas, and major points of access to public rights-of-way (ingress and egress);
- (e) Existing and proposed pedestrian circulation systems, including sidewalks;
- (f) Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences, and walls as well as description of uses, setbacks, and their relationship to surrounding uses;
- (g) General schematic landscape plan of the treatment of the area used for private and common open space (including open space buffers);
- (h) Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public and semi-public use;
- (i) Location, dimensions, nature of all existing and proposed easements (utility, streets) and public improvements (drainage, sewers, water, etc.);
- (j) Indication of location of structures and structure dimensions, distances between buildings, and distance from structures to property lines;
- (k) Description of the following existing conditions of the property:
 - Contours at 2-feet (two-feet) or 5-feet (five-feet) intervals;
 - Watercourses;
 - Flood plains;
 - Unique natural features; and
 - Forest cover.
- (l) A legal description of the total site proposed for development, including a statement of present and proposed ownership;

- (m) A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed;
- (n) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Unit Development, including land areas, and dwelling units;
- (o) An approved preliminary plat in accordance with the Subdivision Rules and Regulations for the City of Alexander;
- (p) Final submission of PUD will include: water and sewer line locations, copies of any maintenance agreements, dedications of public right-of-way, approved street names, and actual location of all improvements; and
- (q) The final PUD plat must be filed for record with the County in the same manner as a subdivision.

24.6 Filing Fees

Filing fees for Planned Unit Development applicants shall be those established from time to time by the City Council.

In the event that a Preliminary Plan application is withdrawn prior to Planning Commission action, the applicant shall be entitled to a refund as established from time to time by the Planning Commission.

24.7 Causes for Revocation

24.7.1 The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

- (a) If the applicant has not submitted a Final Development Plan to the staff within one (1) year of Preliminary Plan approval; or
- (b) If no building permit has been issued within two years from the recording date of the Final Development Plan and Plat; or
- (c) If the applicant does not adhere to the phased development schedule; or
- (d) If the construction and provision of all common open spaces and public and recreational facilities, which are shown on the Final Development Plan and Plat, are proceeding at a substantially slower rate than other project components.

24.7.2 Procedures for Revocation:

- (a) Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or his authorized agent notifying him of his alleged default and setting a time at which he shall appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke his Planned Unit

Development. The Commission's recommendation shall be forwarded to the City Council for disposition as in original approvals.

- (b) In the event any Planned Unit Development is revoked by the City Council because any of the above defaults have occurred, the City Council shall take the appropriate action to prohibit any further development and shall file for record such action in the City Clerk's office.
- (c) In the event of revocation any completed portions of the development or those portions for which building permits have been issued, shall be treated to be a whole and effective Planned Unit Development.

24.8 Bills of Assurance, Covenants, Trusts and Homeowner Associations

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures and similar common elements.

SECTION 25 SCHOOLS, CHURCHES

25.1 Purpose and Intent

It is the intent of these zoning regulations to allow churches, public schools, and private schools the greatest possible flexibility in accommodating the citizens of the community.

25.1.1 These land uses will be allowed in all zoning districts provided an adequate parking plan and open space scheme for the proposed development is submitted to the Planning Commission and approved. No specific number of parking spaces or open space criteria will be specified.

25.1.2 Churches - The development of a new church site in any zoning district will require a site plan that will show the parking accommodations, open space, and landscaping. A parsonage for one (1) family will be allowed on-site.

Site expansion of existing churches will be allowed provided additional parking requirements are addressed.

25.1.3 Public and Private School - New development and expansion of schools will be allowed in any zoning district provided off street parking is made available to faculty, students, and buses. If total off-street parking is not provided then an adequate parking plan must be submitted to the Planning Commission and approved.

SECTION 26 CONDITIONAL LAND USE, VARIANCES AND TOWERS

26.1 Conditional Land Use

26.1.1 Where a land use is not specifically authorized for a certain zoning this land use can be allowed on a conditional basis. To obtain conditional land use authority the individual desiring to have this land use and the owner of the property must apply to the planning commission for a conditional land use permit.

- 26.1.2 The planning commission, after a public hearing and without objection from any adjoining property owner, can authorize the issuance of a conditional land use permit. This permit will be issued with a specific land use and expiration date and can only be renewed one (1) time.
- 26.1.3 The permit can also be conditioned regarding bulk and area regulations, parking requirements, ingress, egress and landscaping. The holder of a conditional use permit must comply with all building codes, ADA accessibility requirements, and obtain appropriate permits before beginning business.
- 26.1.4 The Planning Commission may delegate conditional use permit issuance to the City staff when appropriate.

26.2 Variances

- 26.2.1 An applicant for a variance must give a written request to the zoning board of adjustment.
- 26.2.2 The applicant shall provide written consent from any adjoining property owner affected.
- 26.2.3 The board may either deny the variance or a thirty (30) day notice to issue the variance will be advertised/posted.
- 26.2.4 If no written objection is received during the thirty (30) day notice period the variance will be issued.

26.3 Communication and Microwave Towers

- 26.3.1 If a land owner wants to allow a tower to be built on their property, and the property is zoned either commercial or industrial, the owner shall submit to the Planning Commission a plat of the property and a written request for approval to allow the tower to be built as a conditional use. The tower height must be shown on the request.
- 26.3.2 If a land owner wants to sell a portion of land to someone that wants to erect a tower, the property will need to be re-platted and then the portion for the tower will have to be rezoned and come in under PUD.
- 26.3.3 Towers can exceed the three (3) story height limit. A tower must be a minimum of thirty (30) feet from the property line.

SECTION 27 PRE-EXISTING SUBDIVISIONS/LOTS

- (a) These Zoning Regulations shall apply, where applicable, to subdivisions and other areas of the city in existence prior to the effective date of the adoption of the City of Alexander ordinance establishing these Zoning Regulations, hereafter termed "Pre-existing Subdivisions/Lots." "Pre-existing Subdivisions/Lots" are defined as those subdivisions or lots, regardless of size, existing on the date of adoption of these rules and regulations. Any complete Land Use Plan submitted to and accepted by the City of Alexander Planning Commission for review, prior to the date of adoption of these Zoning Regulations, when such plans include final grading, paving, drainage and other essential elements, shall be included within this definition.

- (b) Any expansion of a portion of a pre-existing subdivision shall comply with the provisions of these Zoning Regulations to the extent of such expansion. For purposes of these Zoning Regulations, "expansion" shall mean adding a new lot, road/street, or utility connection or site work involving the clearing of land for the placement of any type of housing unit permitted in the zoning district.
- (c) For any expansion, primary access roads/streets must be upgraded to city or private road standards.
- (d) The repairing of driveways must meet standards established in the city of Alexander Subdivision Rules and Regulations; Section 15.5-(f): The culvert for each drive must meet the following requirements:
 - (1) A culvert must be constructed of concrete;
 - (2) ALL culverts must have an eighteen (18) inch minimum diameter, six (6) inch minimum cover over pipe and one-quarter (1/4) inch per foot minimum fall away from the edge of pavement. There must also be a four (4) foot shoulder between the edge of pavement and the culvert.
- (e) Above restrictions apply providing they are not in conflict with the Bill of Assurance for that area.

SECTION 28 AMENDMENT TO REGULATIONS, RE-ZONING

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.

28.1 Application for Amendment

Amendments may be initiated by the City Council, and the Planning Commission, in accord with the procedure set out in Act 186 of 1957, as amended. One (1) or more owners of land may file an application for a proposed amendment. Such application must be filed with the City of Alexander two weeks prior to the date of the next regularly scheduled Planning Commission meeting. At the meeting the Planning Commission will set the date for a public hearing on the proposed amendment.

28.2 Procedure for Amendment

Upon filing an application for amendment with the City, these regulations may be amended by the following procedures.

28.2.1 The Planning Commission shall hold a public hearing on the proposed amendment not less than fifteen (15) days after notice of such hearing has been published in a newspaper of general circulation in Alexander. The notice shall be published at the applicant's expense and shall give the time and place of the hearing and the proposed change.

28.2.2 The applicant shall inform all owners of land, by certified letter, return receipt requested, which lies within 300 feet of the land for which the zoning change is requested of the time, date, and place of the public hearing and the proposed change in zoning designation. A certified list of property owners, all return receipts, a copy of the letter, plat, and vicinity map shall be furnished to the Planning Commission in care of the City at least five (5) days prior to the public hearing.

- 28.2.3 The applicant shall procure signs from the City, for the purpose of posting the property proposed for a change in zoning.
- (a) The signs will be displayed on the property on a post not less than fifteen 15 days prior to the date of the public hearing.
 - (b) The sign shall be displayed to be prominent and full view of the passing motorist and pedestrians.
 - (c) The signs shall be posted along the frontage abutting any street at an interval of one hundred (100) feet.
 - (d) Properties with less than two hundred (200) feet street frontage shall be posted with at least one (1) sign along the frontage abutting each street.
 - (e) All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the final conclusion of the resolution of the request. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
 - (f) Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three days out of the required time may result in a postponement of the public hearing or withdrawal of the agenda item until such time full compliance with posting procedure is achieved.
- 28.2.4 The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.
- 28.2.5 Following such vote, the Planning Commission shall certify its recommendations to the City Council.
- 28.2.6 The 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.
- 28.2.7 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 two-thirds vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one (1) copy to the Planning Commission, which will prepare and transmit a report to the applicant, stating why the proposed amendment was disapproved.
- 28.2.8 Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the office of the City Clerk.

28.3 Fee

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

28.4 Re-submission of Application

No re-submission of a zoning amendment application will be allowed within twelve (12) months after the date of action by the Planning Commission or City Council, unless the City Council or Planning Commission waives this limitation for good cause.

SECTION 29 ENFORCEMENT AND PENALTY FOR VIOLATION

29.1 Zoning Enforcement Officer(s)

The provisions of these regulations shall be administered by a code enforcement officer. The City of Alexander or any property owner may request an injunction against any property owner in violation of these regulations, or may mandamus any official to enforce the provisions thereof.

29.2 Building Permit Required

After the effective date of these regulations, a building permit shall be required before work can commence 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 Alexander.

A residential permit to build will be issued only after the application has been approved by the building coordinator, 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 permit office. Commercial building permits must be submitted to the Planning Commission for review and approval. Building Permit Fees must be paid.

29.3 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 as a separate offense.

29.4 Certificate of Occupancy Required

No new structure, or addition to an existing structure, shall be occupied and no permitted or conditional use of a building shall be changed unless a Certificate of Occupancy is issued therefore by the Code Enforcement Officer. Conditional uses that are changed to another conditional use must go through the Planning Commission before a Certificate of Occupancy can be issued.

29.4.1 Procedure

- (a) Application - A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit.
- (b) Action on Application - The Code Enforcement Officer shall inspect the property, which is the subject of an application, upon completion of the building or structure, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Alexander. If the premises do not so comply, the Code Enforcement Officer shall deny the application in a written notice mailed to the applicant within five (5) days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure or development does not comply.

- (c) Temporary Certificates of Occupancy - A temporary Certificate of Occupancy may be issued for a portion or portions of a building, which may safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding sixty (60) days. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of any other matter required by this section.

SECTION 30 ANNEXATIONS

All territory which may hereafter be annexed to the City of Alexander, Arkansas shall be considered to be in an OSR District until the territory is rezoned as provided herein or unless provided for in the annexing ordinance.

SECTION 31 ZONING MAP

Upon passage of these Zoning Regulations by the Alexander Planning Commission and the Alexander City Council the attached Zoning Map will, hereby, be in effect.

SECTION 32 SUPERSEDING LAW

When these zoning regulations appear to be in conflict with Federal, State, County, or City law or ordinances the strictest interpretation shall apply.

SECTION 33 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.