

# **City of Alma, Arkansas**

## **Zoning Regulations**

# Table of Contents

Article I. Purpose.....	4
Article II. Definitions.....	4
Article III. Establishment of Districts.....	5
Section 1. Classification of Districts.....	5
Section 2. Boundaries of Districts.....	6
Article IV. General Provisions.....	7
Section 1. Use of Buildings and Land.....	7
Section 2. Non-conforming Uses.....	7
Section 3. Principal Building on Lot.....	8
Section 4. Reduction of Lot Area or Yard Requirements.....	8
Section 5. Zoning of Annexed Territory.....	8
Section 6. Off Street Loading and Unloading.....	8
Section 7. Visual Clearance Requirements.....	8
Section 8. Change of Occupancy.....	9
Article V. Provisions Governing Zoning Districts.....	9
Section 1. R-1 Single Family Residential District.....	9
Section 2. R-1A Single Family Residential District.....	10
Section 3. R-1B Single Family Residential District (Townhouses).....	11
Section 4. R-2 General Residential District.....	12
Section 5. R-2A Apartment Residential District.....	14
Section 5. R-3 Mobile/Manufactured Home Parks.....	15
Section 6. R-4 Single Family / Manufactured Homes.....	16
Section 7. C-1 Central Business District.....	18
Section 8. C-2 Commercial Highway District.....	19
Section 9. C-3 Neighborhood Commercial.....	20
Section 10. I-1 Restricted Industrial District.....	21
Section 11. General Sign Regulations.....	22

**Article VI. Conditional Use Permit..... 25**

**Article VII. Board of Adjustment..... 26**

**Section 1. Creation and Appointments..... 26**

**Section 2. Procedure..... 26**

**Section 3. Appeals or Variances..... 27**

**Section 4. Expiration of Permits..... 27**

**Section 5. Powers..... 27**

**Section 6. Appeal from Decision of Board..... 28**

**Article VIII. Enforcement..... 28**

**Section 1. Enforcing Officer..... 28**

**Section 2. Building Permits and Certificates of Occupancy..... 28**

**Section 3. Violation Penalty..... 30**

**Article IX. Amendment..... 30**

**Section 1. Amendment Procedures for Private Parties..... 30**

**Section 2. Amendment Procedure for City Council Members..... 31**

**Article X. Legal Status Provisions..... 32**

**Section 1. Conflicting Ordinances Repealed..... 32**

**Section 2. Severability..... 32**

**Article I****Purpose**

The zoning regulations and districts as herein set forth are enacted to implement in part the land use plan of the City of Alma and to promote the health safety, morals, convenience, order, prosperity, and general welfare of the community; to provide for the establishment of districts within the corporate limit; to regulate within such districts the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land and buildings. These regulations have been made with reasonable consideration, among other things as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of the land throughout the City of Alma.

**Article II****Definitions**

Unless otherwise stated, the following words shall, for the purpose of the Zoning Regulations, have the meaning herein indicated.

1. **Accessory use or building.** A use or building customarily incident and subordinate to the actual principal use of building and located on the same lot with such actual principal use or building.
2. **Alley.** A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
3. **Area.** This term refers to the amount of land surface in a lot or parcel of land.
4. **Area Requirements.** The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in the Zoning Regulations.
5. **Dwelling.** The unit intended to be occupied as a housekeeping unit.
6. **Family.** One or more persons occupying premises and living as a single, non-profit housekeeping unit.
7. **Federal Standards.** National Manufactured Housing Construction and Safety Standards Act of 1974 and applicable regulations promulgated by the United States Department of Housing and Urban Development.
8. **Lot.** Land occupied or to be occupied by a structure or use and its accessory structures and uses, and including such open spaces as are required under these Zoning Regulations and having its principal frontage upon a public street or officially approved place.
9. **Manufactured Home.** A dwelling unit constructed in a factory after 1974 in accordance with the federal standards and meeting the definitions set forth in the federal standards and under §20-25-102 and must bear a United States Department of Housing and Urban Development label.
10. **Mobile Home.** A dwelling unit constructed in a factory before the 1974 enactment of the federal standards.

11. Nonconforming use of land. Use of land which does not conform to the permitted use of land in the zoning district in which it is located and which does not utilize a principal or permanent structure.
12. Nonconforming use of structure. Use of a structure which does not conform to the permitted use of structures in the zoning district in which it is located.
13. Nonconforming structure. Structure which, by its nature, is not intended for uses permitted within the zoning district in which it is located and/or that structure which does not conform to the area requirements of the zoning district in which it is located.
14. Open Space. Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structures.
15. Parking Space. A parking space for vehicles must have dimensions of 9' x 20' except for ADA handicapped spaces which will have a dimension of 14' x 20'.
16. Principal Use. The primary or main recognized use of a structure on a parcel of land.
17. Property Line. The line bounding a lot as defined herein.
18. Recreational Vehicle (RV). A motorized vehicle or a towable unit that is used for the purpose of human habitation while traveling and/or camping.
19. Story. Portion of a structure which includes the finished floor elevation and the elevation of floor surface of area above; which can be used for human occupancy. A basement shall not be counted as a story unless the elevation of the surface of the floor above the basement exceeds the finished grade elevation by more than four (4) feet.
20. Street. A public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for the ultimate public use, whether or not constructed.
21. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something have a fixed location on the ground. Among other things, structure include buildings, walls, fences, billboards, out buildings, and poster panels.
22. Yard. The horizontal distance from a lot line to a parallel designated line. A yard is an open and unoccupied space extending the full distance of the lot.

## Article III

## Establishment of Districts

### **Section 1.** Classification of Districts

For the purpose of these Regulations, there are established eight (8) zoning districts as follows:

R-1 Single Family Residential District

R-1A	Single Family Residential District
R-1B	Single Family Residential District
R-2	General Residential District
R-2A	Multi-Family Residential District
R-3	Mobile/Manufactured Home Park
R-4	Single Family/Manufactured Home District
C-1	Central Commercial District
C-2	Highway Commercial District
I-1	Restricted Industrial District

**Section 2. Boundaries of Districts**

- 1) The boundaries of the zoning districts are on the official zoning map approved and adopted by the Alma City Council which is part of these Regulations.
- 2) Unless otherwise indicated on the Zoning Districts Map, the district boundaries are on the lot lines, the centerlines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the city limit lines as they exist at the time of this enactment of the Regulations. Questions concerning the exact location of the district boundaries shall be determined by the City Planner or the Board of Adjustment.
- 3) Where the street or property layout existing on the ground is at variance with that shown on the Zoning District Map or with other requirements of this article, the City Planner or the Board of Adjustment shall interpret and determine the boundary line.
- 4) Where a district boundary line divides a lot under single ownership at the time of passage of these Regulations, the use, height, and area authorized in the least restricted district shall apply to the entire lot, but shall not extend more than twenty-five (25) feet beyond the more restricted district boundary line. The use so extended shall be deemed to be conforming. Where the district boundary is on a platted lot line, this extension is not permitted.
- 5) Where a lot under single ownership at the time of passage of these Regulations is a double frontage lot and where the frontage on one street is in a commercial (C-1 or C-2) or industrial (I-1) district, with the exception of corner lots, and the frontage of the other street is in a residential district, any commercial or industrial uses placed upon this lot shall be fronted onto the street in the commercial or industrial district. In all cases of ambiguity or uncertainty, the City Planner or Board of Adjustment shall have the authority to determine on which street the commercial or industrial use shall face or front so that the spirit of these Regulations shall be observed.

- 6) Where a corner lot with commercial zoning is located on a predominantly commercial street, i.e. located in a block in which the frontage is 51% or more residential frontage, any commercial use placed on the corner lot must have its principal frontage on the predominantly (51% or more) commercial street.

## Article IV

### General Provisions

For the purpose of these Regulations, there shall be certain general provisions which shall apply to the City of Alma as a whole, as follows:

**Section 1. Use of Buildings and Land.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with these Regulations herein specified for the district in which the building or land is located.

**Section 2. Nonconforming Uses.** Any lawful use of buildings or land existing at the time of the enactment of these Regulations but not in conformity with its provisions may be continued, subject to the following limitations:

- 1) A nonconforming use of land:
  - a) Shall not be changed unless changed into a conforming use.
  - b) Which shall cease for a continuous period of more than one (1) year shall be deemed discontinued and any use thereafter established must be in conformity with these Regulations and current adopted version of Arkansas Fire Prevention Code, Volume I, II, and III.
  - c) In the event of change of ownership of the land, the nonconforming use shall cease and the land will be in conforming use based on the zoning district.
- 2) A nonconforming use of structure:
  - a) May be continued and is subject to such regulations as to maintenance and Building Code Regulations of the premises and conditions of adjacent property as approved by the Board of Adjustment.
  - b) In the event of change of ownership, the nonconforming use shall cease and the structure will adhere to the conforming uses of the zoning district in which it is located.
  - c) In the event of vacancy of current occupant, the nonconforming use of the structure shall cease and the structure will adhere to the conforming uses of the zoning district in which the structure is located.
  - d) Once changed to a conforming use, the structure shall adhere to the conforming uses for all new uses of the structure in accordance with the zoning district in which the structure is located.
- 3) A nonconforming structure:

- a) May, with the approval of the Board of Adjustment, be remodeled to maintain the premises in a safe and useable condition in accordance with the City of Alma Building Code Regulations and the current adopted version of Arkansas Fire Prevention Code, Volume I, II, and III, regardless of the use of the structure.
- b) In the event of change of ownership of the nonconforming structure, the structure will be brought to the conforming requirements of the zoning district in which it is located in order to continue its use.

**Section 3. Principal Building on Lot.**

- 1) In residential zoning districts only one principal building, the dwelling as defined in these Regulations and its customary accessory buildings, may hereafter be constructed or erected on any lot unless otherwise permitted by these Regulations.
- 2) The equipment of an accessory building with a sink, cookstove, kitchen facilities, or sleeping quarters, etc. for the independent occupancy shall be considered evidence that such a building is not an accessory building but a separate dwelling and must meet all minimum lot requirements of the zoning district in which it is located.

**Section 4. Reduction of Lot Area or Yard Requirements.**

- 1) No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of these regulations are not maintained. The section shall not apply when a portion of a lot is acquired for a public purpose.
- 2) No yard or lot area requirements for buildings existing at the time of the passage of these Regulations shall be considered as yard or lot area requirements for any other building.

**Section 5. Zoning of Annexed Territory.** All territory which may hereafter be annexed to the City of Alma shall be zoned at the request of the owner and subject to the requirements of the requested zoning district unless the newly annexed territory zoning, as determined by the City of Alma Planning Commission and approved by the City Council of the City of Alma is not in the best interest of the citizens of Alma and in accordance with the Land Use Plan. At that point the Planning Commission will make a recommendation of zoning to the Alma City Council for the annexed territory.

**Section 6. Off Street Loading and Unloading Space.** Every building or structure hereafter constructed for commercial or industrial uses shall provide space for the loading and unloading of vehicles off of the street or public alley. The adequacy of such space shall be determined by the City Building Inspector during a plan review.

**Section 7. Visual Clearance Requirements.** No lot facing an intersecting street shall be occupied by hedges, tall plantings, fences, or structures which will obstruct vision for drivers of vehicles and other modes of transportation. Such plants or structures shall not be permitted within fifteen (15) feet of an intersecting street corner.



**Section 8. Change of Occupancy.** A change of occupancy in a building from one zoning code classification to a different zoning code classification will require an inspection by the City of Alma Building Inspector to evaluate the structure for compliance with the currently adopted codes and standards applicable to the proposed zoning code classification. A change in occupancy of the building may require the alteration, repair, or updating of the building to current code compliance. This would require a building permit to perform the alteration or repairs. Plans will be required at the time of application for the building permit and the specific conditions of the building will be reviewed for code compliance to insure minimum life, safety, and accessibility standards are met.

## **Article V**

## **Provisions Governing Zoning Districts**

### **Section 1. R-1 Single Family Residential District**

- 1) **Permitted Uses.**
  - a) Detached one-family principal dwelling
  - b) Churches
  - c) Schools offering general education courses
  - d) Accessory structures and uses pertinent to the principal dwelling structure and use
  - e) Library
  - f) Parks, playgrounds, etc.
  - g) Non-profit private club
  - h) Signs (additional regulations in Section 11 of this ordinance)
    - i) Name/Address plates not over one (1) square foot in area
    - ii) Temporary real estate signs placed on private property
- 2) **Lot Area Requirements.** One-family principal dwelling: Minimum of 9,100 square feet.
- 3) **Setback Requirements.**
  - a) Front: Twenty-five (25) foot setback from property line or a fifty (50) foot setback from centerline of existing right-of-way to the closest point on the footing of the structure, whichever establishes the greatest distance from the centerline of the right-of-way.
  - b) Side: Minimum of ten (10) foot setback from each property line to the principal dwelling and accessory buildings.
  - c) Side (facing a street): Same setback as required for the Front Yard.
  - d) Rear: Minimum of twenty (20) foot setback to principal dwelling from property line or center of alley where one exists.
- 4) **Lot Width at Dwelling Setback Line:** Minimum width of a lot at the front yard building setback line of the principal dwelling shall be seventy (70) feet.

- 5) Height of Structure: No building shall be more than thirty-five (35) feet in height or contain more than two and one-half stories (2 ½), whichever is greater.
- 6) Parking: A minimum of one (1) on-lot parking space shall be provided.
  
- 7) Places of Public Assembly:
  - a) Height: Maximum height shall be two (2) stories and not to exceed thirty-five (35) feet for that portion of the structure utilized for assembly or offices.
  - b) Yard Requirements: Minimum of twenty-five (25) foot setback from all property lines. On property abutting a street, minimum of twenty-five (25) foot setback or fifty (50) foot setback from the centerline of the existing right-of-way, whichever establishes the greatest distance from the centerline of the existing right-of-way.
  - c) Parking: One on-lot parking space shall be provided for each four (4) person load capacity of the assembly hall.
- 8) Sanitation: Every owner, occupant, lessee, or tenant of a building used for residential purposes is required to maintain solid waste storage areas in a clean, unlettered condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

## **Section 2. R-1A Single Family Residential District**

1. Permitted Uses:
  - a) Detached one-family principal dwelling
  - b) Churches
  - c) Schools offering general education courses
  - d) Accessory structures and uses pertinent to the principal dwelling structure and use
  - e) Library
  - f) Parks, playgrounds, etc.
  - g) Non-profit private club
  - h) Signs (additional regulations in Section 11 of this ordinance)
    - i) Name/Address plates not over one (1) square foot in area
    - ii) Temporary real estate signs placed on private property
2. Lot Area Requirements: One family principal dwelling: Minimum of 7,000 square feet.
3. Setback Requirements:
  - a) Front: Twenty-five (25) foot setback from property line or a fifty (50) foot setback from the centerline of existing right-of-way to closest point on the footing, whichever establishes the greatest distance from the centerline of the right-of-way.
  - b) Side: Minimum of seven and one half (7 ½) foot setback from each property line to the principal dwelling and accessory buildings.
  - c) Side (facing a street): Same setback as required for the Front Yard.

- d) Rear: Minimum of twenty (20) foot setback to the principal dwelling from property line or center of alley where one exists.
4. Lot Width at Dwelling Setback Line: Minimum width of a lot at the front yard building setback line of the principal dwelling shall be sixty (60) feet.
  5. Height of Structure: No building shall be more than thirty-five (35) feet in height or contain more than two and one-half (2 ½) stories, whichever is greater.
  6. Parking: A minimum of one (1) on-lot parking space shall be provided.
  7. Places of Public Assembly:
    - a) Height: Maximum height shall be two and one-half (2½) stories and not to exceed thirty-five (35) feet for that portion of the structure utilized for assembly or offices.
    - b) Yard Requirements: Minimum of twenty-five (25) foot setback from all property lines. On property abutting a street, minimum of twenty-five (25) foot setback or fifty (50) foot setback from the centerline of the existing right-of-way, whichever establishes the greatest distance from the centerline of the existing right-of-way.
    - c) Parking: One on-lot parking space shall be provided for each four (4) person load capacity of the assembly hall.
  8. Sanitation: Every owner, occupant, lessee, or tenant of a building used for residential purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

### **Section 3. R-1B Single Family Residential District (Townhouses)**

1. Permitted Uses: Townhouse Dwellings
  - a. For the purpose of these Regulations, a townhouse is defined as a structure attached to one or more structures but which sits on a parcel of land owned in fee simple by the owner of the structure, i.e., each structure sitting on its own separate parcel of real property. Internal units are those with two adjoining townhouses, one on either side, and share a common wall with each adjoining townhouse. External units are those with one adjoining townhouse and share one common wall with the adjoining townhouse.
2. Lot Area Requirements: The minimum area shall be 2,400 square feet for internal townhouse units and shall be 4,000 square feet for external townhouse units.
3. Setback Requirements:
  - a. Front: minimum of twenty (20) foot setback from property line to footing or forty-five (45) foot setback from the centerline existing right-of-way to footing whichever establishes the greater distance from the centerline of the existing right-of-way.
  - b. Side: minimum of seven and one-half (7 ½) foot setback from property line to footing on one side of the external units and zero (0) foot setback for internal units. On corner lots the minimum side yard shall be fifteen (15) foot setback from

property line to footing or forty (40) foot setback from centerline of existing right-of-way to the footing, whichever established the greater distance from the centerline of the right-of-way.

- c. Rear: Minimum of ten (10) foot setback from property line to the footing.
- 4. Minimum Lot Width: The minimum lot width shall be eighteen and a half (18.5) feet for internal dwelling units and minimum lot width shall be thirty-one (31) feet for external dwelling units.
- 5. Height of Structure: No building shall be more than thirty-five (35) feet in height or contain more than two and one-half stories (2 ½), whichever is greater.
- 6. Off Street Parking: A minimum of two off street parking spaces must be provided per dwelling unit. Parking area must be a hard-surfaced, dust free surface in all parking areas provided.
- 7. Dwelling Units: A maximum of eight (8) living units shall be permitted in each row of townhouse units.
- 8. Sanitation: Every owner, occupant, lessee, or tenant of a building used for residential purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

#### **Section 4. R-2 General Residential District**

- 1. Permitted Uses:
  - a) Detached one family principal dwelling
  - b) Detached two family dwelling (Duplex)
  - c) Detached three family dwelling (Triplex)
  - d) Detached four family dwelling (Fourplex)
  - e) Churches
  - f) Parks, playgrounds, etc.
  - g) Schools offering general education courses.
  - h) Hospitals, nursing homes, doctor and dental clinics, etc.
  - i) Accessory structures and uses pertinent to the principal structure and use.
  - j) Signs: (additional regulations in Section 11 of this ordinance)
    - i) Name/Address plates not over one (1) square foot in area
    - ii) Temporary real estate signs placed on private property
- 2. Lot Area:
  - a) Detached one family principal dwelling: Minimum of 7,000 square feet.
  - b) Detached two family Duplex: Minimum 8,000 square feet
  - c) Detached three family Triplex: Minimum 9,000 square feet
  - d) Detached four family Fourplex: Minimum 10,000 square feet.
  - e) For additional dwellings on the same parcel, and additional minimum square footage is required for each additional dwelling type. For example, an additional duplex on a parcel

would require and additional 8,000 square feet in the lot area. A site plan for multiple dwellings per parcel is required to insure dwelling setbacks requirements of these regulations are met.

3. Setback Requirements:

- a) Front: Twenty-five (25) feet from property line to footing or fifty (50) feet from centerline of existing right-of-way to footing whichever establishes the greater distance from the centerline of the existing right-of-way.
- b) Side: Minimum of seven and one half (7 ½) feet from each property line
- c) Side (facing a street): Same setback as required for the Front Yard.
- d) Rear: Minimum of seven and one half (7 ½) feet from property line or center of alley where one exists.

4. Width: Minimum width of a lot at the front yard property line or as measured from property line to property line parallel with the front of the dwelling shall be fifty (50) feet for a one family dwelling, sixty (60) feet for a two-family dwelling, seventy (70) feet for a three-family dwelling, and eighty (80) feet for a four-family dwelling.

5. Height: Maximum height of a structure shall be two stories and not to exceed thirty-five (35) feet.

6. On-Lot Parking Space:

- a) One Family and Two-Family Dwelling: Minimum of one on-lot, hard surfaced and dust free parking space shall be provided for each family unit.
- b) Three Family and above: Minimum of four on-lot, hard surfaced parking spaces shall be provided for three family dwelling, plus one on-lot, hard surfaced and dust free parking space for each additional family dwelling.

7. Places of Public Assembly

- a) Height: Maximum height shall be two stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.
- b) Yard Requirements: Minimum of twenty-five (25) foot setback from all property lines to building footing. On property abutting a street, twenty-five (25) foot setback from property line to footing of the building or fifty (50) foot setback from center of right-of-way to building footing, whichever establishes the greater distance from the center of the right-of-way.
- c) On-lot Parking: Places of public assembly shall provide one on-lot, hard surfaced parking space per each four (4) persons accommodated in the assembly hall.

8. Sanitation: Every owner, occupant, lessee, or tenant of a building used for residential purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

## **Section 5. R-2A Apartment Residential District**

### **1. Permitted Uses**

- a. Multi-family dwellings
- b. Park, Playgrounds, etc.
- c. School offering a general education course
- d. Kindergartens (public or private)
- e. Accessory structures and use pertinent to the principal structure and use.

### **2. Lot Area**

- a. 9,000 square feet for the first three-family units plus 8,000 square feet for each additional unit.

### **3. Yard Requirements**

- a. Front Yard: 20 feet from property line or 40 feet from center line of existing right-of-way, whichever is greater.
- b. Side Yard: Minimum 7 1/2 feet from each property line.
- c. Side Yard Street:
  - (1) Multi-family dwelling: 20 feet from street property line or 40 feet from the centerline of existing right-of-way whichever is greater.
- d. Rear Yard:
  - (1) Multi-family dwellings: Minimum of 20 feet from property line or center of alley where one exists.

In no case may a dwelling structure cover more than 60% of an area.
- e. Building Separation: There shall be a minimum of 15' of separation between buildings constructed on the same lot.

### **4. Width**

Minimum width of a lot at the front yard line or building line shall be 90 feet.

### **5. Height**

Maximum height of a structure shall be two stories and not to exceed 35 feet.

### **6. On-Lot Parking Space**

- a. Multi-family: four on-lot parking spaces shall be provided for the first two family units, plus one and one-half parking space for each additional family unit.

### **7. Places of Public Assembly**

#### **a. Height**

Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or office.

b. Yard Requirements

Minimum of 25 feet set back from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.

c. On-Lot Parking

Places of assembly shall provide one on-lot parking space per each six persons accommodated in the assembly hall.

**Section 5. R-3 Mobile Home/Manufactured Home Parks**

1. Definition: Any plot of ground or parcel of land upon which two or more mobile homes/manufactured homes, occupied for a dwelling or sleeping purpose, are located, regardless of whether a fee for lot rental is assessed or the lots are owned fee simple.
2. Utilities: All utilities connected to the Mobile/Manufactured Home must be in such a manner as are required in the Building Codes enforced by the City of Alma. Utility connections will be inspected for compliance to Codes by the Building Inspector for the City of Alma.
3. Permitted Uses:
  - a) Detached one-family Mobile Homes/Manufactured Homes
  - b) Churches
  - c) Schools offering general education courses
  - d) Accessory structures and uses pertinent to the principal dwelling structure and use
  - e) Library
  - f) Parks, playgrounds, etc.
  - g) Signs: (additional regulations in Section 11 of this ordinance)
    - i) Nameplates not over one (1) square foot in area
    - ii) Temporary real estate signs placed on private property
1. Site Area:
  - a) The minimum site area for a mobile home/manufactured home park development shall be three (3) acres.
  - b) Each lot shall have a minimum area of four thousand, two hundred (4,200) square feet.
2. Setbacks:
  - a) Separation: Mobile/Manufactured homes shall be separated from each other at least 20 feet, including any attachment thereto.
  - b) Exterior Boundaries: Mobile/Manufactured homes shall be located a minimum of ten (10) feet from any exterior boundary of the park that is adjacent to private property.
  - c) Public Street: Mobile/Manufactured homes shall be located a minimum of twenty-five (25) feet from the property line adjacent to a public street.
3. Foundations:
  - a) The manufactured home support shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.

- b) Anchors or tie-downs, such as cast-in place concrete dead men, eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at least at each corner of the manufactured home and each device shall be able to sustain a minimum load of 4,800 pounds of force. Anchors or tie-down design shall be equal to or better than that recommended by the Manufactured Home Manufacturers Association.
4. Utilities:
    - a) Water Service: Each manufactured home shall be provided with an individual water meter and each manufactured home shall be individually metered. All piping shall be constructed and maintained in accordance with State and Local regulations and codes.
    - b) Electrical Service: The point of the electrical connection for the manufactured home should be within the area of the manufactured home pad or lot. All exposed noncurrent, carrying metal parts of the manufactured home and equipment shall be grounded by means of an approved grounding system. A neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.
  5. Sanitation: Every owner, occupant, lessee, or tenant of a building used for residential purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

#### **Section 6. R-4 Single Family / Manufactured Home District**

1. Permitted Uses:
  - a) Detached one-family principal dwelling
  - b) Manufactured Homes that are permanently installed on a lot in a manner that is comport with requirements contained in Section 6 and in compliance with current United States Department of Housing and Urban Development guidelines for Manufactured Home foundations.
  - c) Churches
  - d) Schools offering general education courses
  - e) Accessory structures and uses pertinent to the principal dwelling structure and use
  - f) Library
  - g) Parks, playgrounds, etc.
  - h) Non-profit private club
  - i) Signs (additional regulations in Section 11 of this ordinance)
    - i) Name/Address plates not over one (1) square foot in area
    - ii) Temporary real estate signs placed on private property
2. Lot Area Requirements: Minimum square footage of the lot shall be 7,000 square feet.
3. Setback Requirements:



- a) Front Setback: Minimum of twenty-five feet (25) from property line or fifty feet (50) from the centerline of the street right-of-way, whichever establishes the greatest distance from the centerline of the street right-of-way.
  - b) Side Setback: Minimum of seven and one-half foot (7½) from property line to the foundation of the dwelling.
  - c) Side Street Setback: Minimum of twenty-five feet (25) from the property line or fifty feet (50) from the centerline of the street right-of-way, whichever establishes the greater distance from the centerline of the street right-of-way.
  - d) Rear Setback: Minimum of ten feet (10) from rear property line to the foundation of the principal dwelling.
4. Lot Width: Minimum lot width at the front property line or the front of the principal dwelling shall be sixty feet (60).
5. Height: Maximum height of a structure shall be two stories or not to exceed thirty-five feet (35).
6. Places of Public Assembly:
- a) Height: Maximum height of two stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly or office.
  - b) Setback Requirements: Minimum of twenty-five (25) feet from all property lines. On property abutting a street, twenty-five (25) feet from property line or fifty (50) feet from the center of street right-of-way, whichever creates the greatest distance from the centerline of the right-of-way.
  - c) On-Lot Parking: Places of assembly shall provide one on-lot parking space per each four-person accommodation within the assembly hall.
7. Manufactured Home Requirements:
- a) Plot Plan: As with built homes, a plot plan must be presented to the Planning Department for approval.
  - b) Building Permit must be obtained prior to any work being done on the site.
  - c) Width: All units constructed or set-up must have a minimum dimension on each side of at least fourteen (14) feet.
  - d) Crawl Space: All units constructed or set-up with a crawl space shall have a continuous masonry underpinning around said crawl space.
  - e) Orientation: All units constructed or set-up shall have the front door oriented toward the frontage street.
  - f) Roofing: All units constructed or set-up shall have shingle-type roofing material unless specifically approved by the Planning Commission or Board of Adjustment.
  - g) Porch: All units constructed or set-up shall have a covered front porch with landing accessible by stairs and handrails if required by code. Landing shall be at least six feet by six feet (6 x 6) and shall be oriented to the frontage street.
  - h) Foundation Systems: All units constructed or set-up shall have a foundation system that meets or exceeds the City's currently adopted building codes.
  - i) Transport elements: All transport elements must be removed from the unit.

- j) Condition of Unit: All units shall be new and under warranty, or inspected by the City's Code Enforcement officer prior to being moved to a site to ensure compliance with the currently adopted building codes by the City of Alma.

### **Section 7. C-1 Central Commercial District**

1. Central Commercial District: Structures shall be restricted to commercial uses on the first story of the building. Second story and above may be used for commercial/residential purposes.
2. Permitted Uses:
  - a) Retail establishments providing goods and services such as, but not limited to grocery, pharmacy, hardware, variety and similar stores, and restaurants.
  - b) Office and bank buildings and uses.
  - c) Processing and manufacturing that by reason of operation are not a nuisance in respect to noise, odor emission, dust release, vibration, etc.
  - d) Wholesale and resale shops.
  - e) Warehousing of non-hazardous items.
3. Signs must be located on private property and not extend into the air space of public property. (additional regulations in Section 11 of this ordinance)
4. Height: Maximum height of a structure shall be three stories and not to exceed forty-eight (48) feet.
5. Rear Setback: Minimum of twenty (20) feet from property line or center of alley where one exists.
6. Loading and Unloading: Loading and unloading facilities shall be provided to prevent the blocking of any public way.
7. Side Yard Requirements: While there are no setbacks for the side of the buildings, the adjacent buildings must not share a common wall.
8. Construction: Front façade and side of structure facing a street or parking lot must not have exterior material consisting of metal siding.
9. On Lot Parking: A hard surfaced, parking area must be provided in a sufficient manner to provide for normal demand if on street parking is not available. Handicap parking spaces must be provided in accordance with current building codes and provide adequate spaces per building designed load.
10. Sanitation: Commercial waste container must be visually screened from public sight and screening must be of sufficient material to contain any trash/waste spilling from the container and within the screened area. The container must be of sufficient size to contain the expected volume of trash/waste. Commercial waste container is defined as a manufactured container, other than a garbage can or bag, suitable for storage of waste generated and capable of being emptied by mechanical equipment.

Every owner, occupant, lessee, or tenant of a building used for business, commercial, or industrial purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

### **Section 8. C-2 Commercial Highway District**

1. **C-2 Commercial Highway District:** This district is along the following highways but not restricted to this area alone, US Highway 64 (east and west), US Hwy 71 (north of I-40), Ark Hwy 162 (from US Hwy 64 to I-40), and Cherry Street and parts of Fayetteville Ave (from intersection of US Hwy 64 to the intersection of Mtn Grove Rd S.). Other areas are zoned as C-2 which are not along Highways, consult the zoning map at the City Clerk's office for clarification of zoning. Structures must have at least 80% of front façade and at least 50% of sides constructed of a masonry product such as, but not limited to: brick, stucco, tinted concrete block, Exterior Insulation and Finish System (EFIS), etc.
2. **Permitted Uses:** Permitted uses are the same as the permitted used for C-1 Central Commercial District with the additional uses as follows:
  - a. Automotive service, repair and storage provided that wrecked or salvage vehicles are stored inside a building or enclosed by a solid fence and are not visible to the public from a public street, highway, or sidewalk.
  - b. Motels and Hotels
  - c. Doctors, Dentists, Veterinarians, and etc.
  - d. Storage warehouses and mini-storage facilities defined as individual separate spaces which are accessible by customers for the storing and retrieval or personal effects and household goods.
  - e. Schools, both public and private
  - f. Warehousing of non-hazardous materials or items.
3. **Setback Requirements:** A setback of a minimum of twenty-five (25) feet from all street property lines or fifty (50) feet from the centerline of existing right-of-way, whichever establishes the greater distance from the centerline of the right-of- way to the structure.
4. **Signs** must be located on private property and not extend into the air space of public property. (additional regulations in Section 11 of this ordinance)
5. **Height:** A maximum height of a structure shall be three (3) stories not to exceed forty-eight (48) feet.
6. **On Lot Parking:** A hard surfaced, parking area must be provided in a sufficient manner to provide for normal demand and employees. For motel, hotel, or apartments, there shall be provided a minimum of one on-lot parking space per each sleeping unit. Handicap parking spaces must be provided in accordance with current building codes and provide adequate spaces per building designed load.

7. Loading and Unloading: Loading and unloading facilities shall be provided so as not to block any public way.
8. Sanitation: Commercial waste container must be visually screened from public sight and screening must be of sufficient material to contain any trash/waste spilling from the container and within the screened area. The container must be of sufficient size to contain the expected volume of trash/waste. Commercial waste container is defined as a manufactured container, other than a garbage can or bag, suitable for storage of waste generated and capable of being emptied by mechanical equipment.

Every owner, occupant, lessee, or tenant of a building used for business, commercial, or industrial purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

### **Section 9. C-3 Neighborhood Commercial**

Purpose: The district is established to provide transitional uses of lands between residential or mixed-use zoning districts, and districts containing more intensive uses of lands; and is established to provide convenient access between residences and certain commercial services.

#### 1. Permitted Uses:

- a. Public and private parklands, trails prohibiting motorized vehicles undeveloped recreation lands, and lake with public access.
- b. Small Office – One office or studio per lot, not exceeding 5,000 square feet floor space, which generates no more than 50 trip ends per average business day and which generates no special sound load.
- c. Small Impact Retailer – One shop (goods and services), or non-drive-through restaurant per lot, not exceeding 5,000 square feet floor space, which generate no more than 100 trip ends per business day and which during normal business hours, generates sound not exceeding that a small retailer and which is normally closed between 10:00 pm and 7:00 am. Pharmacies, medical marijuana dispensaries, or medical marijuana cultivation facilities meeting the above stated requirements, shall only be approved by special use with the zones which designate permitted uses for small impact retailer, and shall not be allowed in any zone district by right.
- d. Small Institution – Tax-exempt public or private institutions, or public or private non-emergency healthcare facilities, or tax-exempt religious institutions, or daycare centers or educational facilities with ten or more children, sited on a lot less than 20,000 square feet in lot surface area or on a lot having a working area (including all floor space, parking, driveways, and other spaces used for work) or less than 20,000 square feet.

#### 2. Lot Dimensions:

- a. Minimum lot surface area: 5,000 square feet.
- b. Minimum lot width: Fifty (50) feet
- 3. Setback Requirements:
  - a. Front: Thirty (30) feet
  - b. Side (except on corner lot): Ten (10) feet
  - c. Side (corner lot): Thirty (30) feet
  - d. Rear: Fifteen (15) feet
- 4. Height: No building shall exceed thirty-five (35) feet in height.
- 5. Lot Coverage: Maximum lot coverage of structure is fifty (50%) percent.
- 6. Construction: Front façade or side of structure facing a street or parking lot must not have exterior material consisting of metal siding.
- 7. Open Space:
  - a. A landscaped buffer consisting of not less than a six (6) foot tall opaque screen along all property lines abutting residential properties.
  - b. All open spaces without structure or pavement shall include lawn, shrubs, or tree, which shall be visible from the front or sides as seen from the addressed access right of way.
- 8. Signs must be located on private property and not extend into the air space of public property. (additional regulations in Section 11 of this ordinance)

#### **Section 10. I-1 Restricted Industrial District**

- 1. Permitted Uses:
  - a. Manufacturing compounding, processing, packaging, or assembling of those products that will require cleaner and more quiet industries and will involve a minimum of noise, dust, odor, or vibration.
  - b. Storage of bulk material that will not endanger the health, safety, and general welfare of the citizens.
  - c. Retail uses that are accessory to the above operations and other essentially similar uses such as, but not limited to animal hospitals, repair shops, transportations terminals, wholesale outlets, farm machinery sales, laundries, lumber yards, restaurants, and service stations.
  - d. Automotive service, repair, and storage, provided that wrecked or salvage vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from a street, highway, or sidewalk.
- 2. Coverage of lot Area. No structure may cover more than thirty-three (33) percent of the total lot area.
- 3. Setback Requirements:
  - a. All structures shall be built at least twenty-five (25) feet from all property lines.

- b. Where property abuts a railroad where siding facilities are utilized, structures may be built up to the railroad property line.
- 4. Signs must be located on private property and not extend into the air space of public property. (additional regulations in Section 11 of this ordinance)
- 5. Height.
  - a. Maximum height of a structure shall be three (3) stories and not to exceed forty-eight (48) feet.
  - b. The Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and the structure to house the operation require greater height.
- 6. On-lot Parking. Adequate on-lot hard surfaced, dust free parking shall be provided to support employees and visitors.
- 7. On-lot Loading/Unloading Facilities. Each structure or use shall provide on-lot loading and unloading facilities which will not block a street, alley, or other public way.
- 8. Sanitation: Commercial waste container must be visually screened from public sight and screening must be of sufficient material to contain any trash/waste spilling from the container and within the screened area. The container must be of sufficient size to contain the expected volume of trash/waste. Commercial waste container is defined as a manufactured container, other than a garbage can or bag, suitable for storage of waste generated and capable of being emptied by mechanical equipment.

Every owner, occupant, lessee, or tenant of a building used for business, commercial, or industrial purposes is required to maintain solid waste storage areas in a clean condition and to ensure that all solid waste generated by the use of such property is contained as required by these regulations.

### **Section 11. General Sign Regulations**

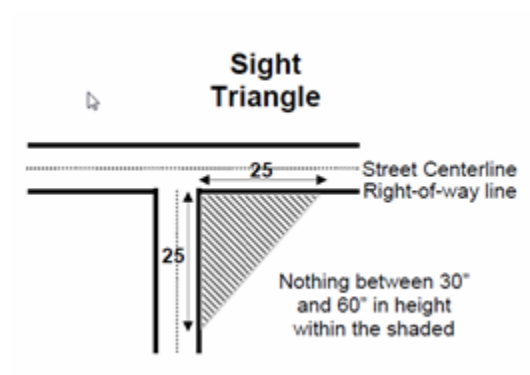
- 1. Purpose: Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards so as to promote, preserve and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of the City of Alma and to achieve the following:
  - a. Safety – to promote the safety of persons and property by providing that signs:
    - i. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;

- ii. Do not obstruct firefighting or police surveillance;
  - iii. Do not create traffic hazards by confusing or distracting motorists;
  - iv. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals, and,
  - v. Do not otherwise interfere with or detract from the safety of persons or property.
- b. Communications Efficiency – to promote the efficient transfer of information in sign messages by providing that:
- i. Customers and other persons may locate a business or service;
  - ii. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
  - iii. The messages in signs may otherwise be communicated efficiently.
- c. Landscape quality and preservation – to protect the public welfare and to enhance the appearance and economy of the City of Alma, by providing that signs:
- i. Do not interfere with scenic views;
  - ii. Do not create a nuisance to persons using the public rights-of-way;
  - iii. Do not constitute a nuisance or safety hazard to occupants of adjacent property by the brightness, size, height, or movement;
  - iv. Are not detrimental to land or property values;
  - v. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
  - vi. Do not negatively affect the city's tourism industry;
  - vii. Do not create or worsen visual clutter or visual blight;
  - viii. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
  - ix. Do otherwise protect and preserve a quality landscape in the city; and,
  - x. Do otherwise enhance the appearance and economy of the city.

## 2. General Regulations:

- a. Code Compliance – All signs shall comply with the applicable provisions of the currently adopted Arkansas Fire Prevention Codes, Volumes I, II, and III and the National Electric Code.
- b. Materials – Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - i. Temporary signs meeting regulations elsewhere in the section.
  - ii. Real estate signs;

- iii. Window signs;
  - iv. Yard sale, political, and election signs.
- c. Maintenance – All signs to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscure the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.
- d. Visual Obstruction – No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes. No sign shall be placed in such a manner as to obstruct view of traffic upon entry or exit of a parking lot. No sign shall be placed in such a manner as to block the view of traffic flow at intersections. No signs placed in the sight triangle of two intersecting streets shall be between 30" and 78" in height. The sight triangle is defined as the diagonal line formed by connecting two points measured twenty-five (25) feet along each right-of-way from the intersection point of two street rights-of-way.



- e. Public Right-of-way – No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock or other natural object located within the public right-of-way or on public property, except as specifically permitted in this section. The front face of all signs must be located a minimum for five (5) feet behind the public right-of-way. If the right-of-way cannot be determined, signs shall be placed on private property side of sidewalks or behind a line formed by utility poles. Exceptions to signs in right-of-way are signs posted by city, county, or state for traffic control, directional information, or public notification.



- f. Illumination – Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way.
- g. Sign Permits – Regulations concerning permitting of signs, construction of signs, and permit fees are under the authority of the Building Inspector. Commercial signs must present a permit application and plans for installation to the Planning Department for approval.

## **Article VI** Conditional Use Permit

Persons seeking to develop or utilize real property within the boundaries of the City of Alma with a use that is not identified or otherwise provided for in permitted or prohibited explicit uses within the various zones shall file an application with Planning Commission and pay a fee of \$75.00 to the City Treasurer to cover the cost of related expenses.

1. Upon receipt of an application, the Planning Commission shall hold a public hearing on the application, after: (1) publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the nature of the application; (2) posting a sign three (3) feet by four (4) feet in size at a conspicuous place on the property, fifteen (15) days prior to the date of the public hearing and on which is set forth the date and place of the hearing and the nature of the application.
2. Following the public hearing, the Planning Commission may approve or deny the application in whole or in part with or without conditions and/or requirements to abate any adverse or negative impacts of the proposed use.
3. Following the action by the Planning Commission, the application and the Planning Commission's action and requirements shall be submitted to the Alma City Council for review and action at the next regularly scheduled City Council meeting. The City Council may approve the application with Planning Commission requirements or return the application to the Planning Commission for further study and/or public hearings.
4. In order for an application to be approved by the Planning Commission the applicant must demonstrate that the proposed use will comport with the following requirements:
  - a. That no objectionable characteristics will be created or otherwise caused to exist by the proposed use; and

- b. The proposed use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
5. The permit can be revoked at any time if the applicant has violated any of the conditions and/or requirements.

## **Article VII**

### **Board of Adjustment**

#### **Section 1. Creation and Appointments**

These Regulations provide for a Board of Adjustment in accordance with Act 186 of the 1957 General Assembly. Board of Adjustment shall be made up of the Planning Commission members. All members of said Board shall serve without pay. The term of the membership shall be in agreement with the terms of the Planning Commission members. Vacancies shall be filled for the unexpired term of any member in the same manner as the Planning Commission appointments.

The Board shall meet and organize annually to elect its own chairmen and vice-chairman, each of whom shall serve for one year or until his successor duly qualifies. The Mayor shall appoint a secretary who shall hold office during the will and pleasure of the Mayor and who shall receive such compensation from the City as may be fixed from time to time by the City Council.

#### **Section 2. Procedure**

Meetings of the Board of Adjustment shall be held at such times and at such places within the City as the Board may designate, or at the call of the chairman. But the Board shall have at least one meeting each quarter. All meetings shall be open to the public. The Board shall keep minutes or its proceedings showing the vote of each member upon each question, absenteeism of a member, failure to vote of a member, and a record noting such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

The presence of five members shall be necessary to constitute a quorum and the concurring vote of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative officer or to decide in favor of the application on any matter upon which it is required to pass under the zoning ordinance or to affect any variation in such regulations.

The Planning Director or his representative shall attend each meeting of the Board and shall make available all plans, specifications, plats and papers relating to any case before the Board for consideration.

**Section 3. Appeals or Variances**

Any appeal or application for variance to the Board of Adjustment may be taken by any person, firm, or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the enforcement officer, based in whole or in part, upon the provisions of these Regulations. The Board of Adjustment shall publish a notice of the time and place of a public hearing upon such appeal or application for variance; such notice shall be published at least once, not less than 10 days prior to the public meeting, in an official paper or newspaper of general circulation in Alma, such notice to contain the particular location for which the appeal or variance is requested as well as a brief statement as to what the proposed appeal or variance consists of. A sign three (3) feet wide and four (4) feet high shall be placed upon the property by the Building Inspector giving the date and place of the public hearing and what the appeal or variance consists of, fifteen (15) days before the date of the public hearing. The Board shall also give notice of such hearing to interested persons and organizations as it shall deem feasible and practical. Upon the date of the hearing, any party may appear before the Board in person or by attorney.

The applicant shall be required to pay a non-refundable filing fee of one hundred, fifty dollars (\$150.00) to cover the cost of publishing and mailing notices and such other expenses as may be incurred in connection with such appeal or application for variance at the time of applying for the appeal or variance.

**Section 4. Expiration of Permits**

1. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than sixty (60) days unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
2. No order of the Board permitting a use of the building or premises shall be valid for a period longer than sixty (60) days unless such use is established within this period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect, if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

**Section 5. Powers**

The Board of Adjustment shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permits, decision, determination or refusal made by the enforcement officer or other administrative official in the carrying out or enforcement of any provision of these Regulations.

2. Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Adjustment is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of these Regulations in cases where a specific piece of property characterized by exceptional narrowness, shallowness, or shape was a lot of record at the time of adoption of these Regulations; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these Regulations as specifically authorized in Article VI, Section 1 and 3.

**Section 6. Appeal from Decision of the Board**

Appeal from the decision of the Board of Adjustment shall be to a court of record having jurisdiction within thirty days from the date of the decision of the Board.

1. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of these Regulations.
2. Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

**Article VIII Enforcement**

**Section 1. Enforcing Officer**

The provisions of this Ordinance shall be administered and enforced by a Building Inspector or other official appointed by the Mayor and the City Council who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of these Regulations and the current adopted version of Arkansas Fire Prevention Code, Volumes I, II, and III.

**Section 2. Building permits and Certificates of Occupancy**

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory building, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. Work performed prior to obtaining a building permit, is subject to a \$75.00 per day penalty for each day work is performed without a permit.
2. Issuance of Building Permit. When applying to the Building Inspector for a building permit, the applicant shall submit a plat and/or plans in duplicate, drawn to scale, showing the actual dimension of the lot to be built upon, the size, height, and location on the lot of all buildings to be erected, altered, or moved and of any building already on the lot. The applicant shall

also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of these Regulations are being observed.

If the proposed excavation is in conformity with the provisions of these Regulations and with other ordinances of the City of Alma now in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

- a. The issuance of a permit shall in no case be construed as waiving any provision of these Regulations or waiver of any provision of the current adopted version of the Arkansas Fire Prevention Codes, Volume I, II, and III
  - b. A building permit shall become void six (6) months from the date of issuance unless work has been started on the project described therein.
  - c. A building permit shall become void twenty-four (24) months from the date of issuance unless the construction work has been completed and a certificate of occupancy has been issued on the property described therein.
  - d. Extensions of the time limit described in “b” and “c” may be granted with written requests for extension from the applicant prior to the time limits described expiring. Time extension will be determined by the judgement of the Building Inspector.
3. Certificate of Occupancy. A certificate of occupancy shall be applied for, coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building has been completed in conformity with the provisions of these Regulations, in accordance with the current version of Arkansas Fire Prevention Code, Volume I, II and III. If such certificate is refused, the Building Inspector shall state such refusal in writing with the cause.

No land or building, or part thereof, erected or altered hereinafter in its use or structure, shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of these Regulations, current adopted version of Arkansas Fire Prevention Code, Volume I, II, and III, and/or other Ordinances of the City of Alma.

4. Records. A complete record of all certificates and permits shall be maintained in the office of the Building Inspector for inspection or use by the public for a period as defined by the State for retention of records. Copies reproduced at the applicant’s expense shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A fee of ten dollars (\$10.00) shall be charged for a copy of the original certificate of occupancy.

### **Section 3. Violation Penalty**

Any person, firm, or corporation violating or not complying with any provision of these Regulations or the provisions of the current Arkansas Fire Prevention Code, Volumes I, II, and III shall be charged with a misdemeanor and upon conviction shall be fined not less than one hundred (\$100.00) dollars nor more than one thousand dollars (\$1,000.00). Each day such violation exists shall constitute a separate offense.

## **Article IX Amendment**

The City Council may from time to time amend these Regulations. Members of the City Council or any other official or person may petition for an amendment to the Regulations, which shall first be submitted to the Planning Commission for its report and recommendations.

### **Section 1. Amendment Procedures for Private Parties**

1. Fee. Any private party or parties desiring a zoning change shall pay a non-refundable fee of one hundred, fifty dollars (\$150.00) to the City Clerk to cover the costs of public notices and related expenses.
2. Petition. Any private party of parties desiring an amendment to the Regulations, upon payment of the above fee, shall submit to the Planning Commission a petition giving the legal description of the property involved and the zoning classification requested for the property. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with surrounding land uses.
3. Public Hearing. Upon receipt of a petition for an amendment, the Planning Commission shall hold a public hearing on the proposed amendment, after:
  - a. Publishing a notice in a newspaper of general circulation in the City at least one time fifteen (15) days prior to the public hearing, setting forth the time and place of such hearing and the amendment proposed;
  - b. Posting a sign three (3) feet wide by four (4) feet tall at a conspicuous place on the property, fifteen (15) days prior to the date of the public hearing and on which is set forth the date and place of the public hearing and copies of the proposed amendment.
4. Action by the Planning Commission. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendations stated in writing.

If the Planning Commission disapproves a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner.

IF the Planning Commission neither approves nor disapproves a proposed amendment within forty-five (45) days after receipt of a petition for amendment, the Secretary, upon request of the applicant, shall refer the proposed amendment to the City Council for its action.

5. Action by the City Council. The City Council, by majority vote, may by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after restudy, the City Council may, by a majority vote, amend the Regulations by granting the original request for amendment in full or in modified form.

6. Appeal by Petition to City Council. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided the petitioner states specifically in writing to the City Clerk why the petitioner considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.
7. Re-petition for Amendments. No application for zoning amendments will be considered by the Planning Commission within twelve (12) months from the date of final disapproval of a proposed amendment unless there is evidence submitted to the Planning Commission which justifies reconsideration.

## **Section 2.     Amendment Procedure for City Council Members**

When members of the City Council desire to initiate amendments to these Regulations, such proposals shall be referred by resolution to the Planning commission for Study and recommendations. Following public hearing as provided in Article VIII, Section 1.3; the Planning Commission and the City council shall act in accordance with the procedures set forth in Article VIII, Section 1.4.

**Article X**

Legal Status Provisions

**Section 1.** Conflicting Ordinances Repealed

All ordinances or parts of ordinances of the City of Alma in conflict herewith are hereby repealed.

**Section 2.** Severability.

If any section, clause, provision, or part of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such section, clause, provision, or part shall be deemed severable and separable, and the remainder of these Regulations shall be and remain in full force and effect. It is hereby declared to be the intent of the City Council that these Regulations would have been passed and adopted had such invalid or unconstitutional provisions, if any not been included herein.