

BEEBE
ARKANSAS

ZONING CODE

Prepared by
The Beebe Planning Commission

Adopted by the Beebe City Council
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with the assistance of
White River Planning & Development District

TITLE 14

ZONING

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CHAPTER 14.01

CITATION, PURPOSE, NATURE AND APPLICATION

Sections:

- 14.1.1 Citation
- 14.1.2 Purpose
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Section 14.01.01. Citation

These regulations, enacted pursuant to the authority granted by Act 186 of the 1957 Acts of Arkansas, as amended, shall be known as the Zoning Regulations and may be cited as such.

Section 14.01.02. Purpose

The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Beebe and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Beebe, Arkansas; and to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of buildings, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 14.01.03. Nature and Application

For the purposes hereinbefore stated, the City has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location and size of buildings; open space and the uses of land, buildings, and structures. The provisions of these regulations shall be considered the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made,

erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions contained herein relating to any or all districts.

No proposed plat of any new subdivision of land within Beebe's corporate limits shall hereafter be considered for approval by the Planning Commission unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable land use zoning district of these regulations.

Section 14.01.04. Completion of Existing Buildings

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of these regulations. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within ninety (90) days after adoption of these regulations.

Section 14.01.05. Area Not to be Diminished

The lot or yard areas required by these regulations for a particular building or use shall not be diminished and shall not be included as part of the required lot, open space, or yard areas of any other building or use. If the lot, open space or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

CHAPTER 14.02

DEFINITIONS

Sections:

14.02.01 Definitions

Section 14.02.01. Definitions

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

Abutting:	Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.
Access:	The way or means by which a piece of property is approached or entered.
Accessory Buildings and Uses:	An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulations) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use. [See Section 14.05.01 for additional standards and criteria.]
Addition:	Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
Alley:	A permanent public service way which affords only a secondary means of access to abutting property.
Apartment:	See Dwelling, Multiple.
Authorized Agent:	A person or persons authorized by the landowner to act in his behalf.
Automobile Junk or Salvage Yard	An area outside of a building where motor vehicles are disassembled, dismantled, junked or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored.
Buffer:	A strip of land lying parallel and adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use.

Building:	Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a construction that is safe and stable; the word building shall include the word structure.
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, Coverage:	The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
Building, Height:	The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
Building, Line:	A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.
Building, Principal:	A building in which is conducted the main or principal use of the lot on which said building is situated.
Certificate of Occupancy:	Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
City:	The City of Beebe, Arkansas.
Child Care Facility	<p>For the purposes of these regulations, a “child care facility” is any facility which provides training, education or supervision for any unrelated minor child for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. Such a facility may or may not be licensed by the State. This definition shall not include:</p> <ol style="list-style-type: none"> 1. public and private schools organized, operated or approved under the laws of this State; 2. custody of children fixed by a court of competent jurisdiction; 3. children related by blood or marriage within the third degree of the custodial persons; or, 4. churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities. 5. businesses that set aside a portion of their facility for the care and supervision of the children of employees. Such a service shall be incidental to the primary operations of the business and be provided exclusively as a service and convenience to employees of the business.
Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care, training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.

Child Care, Home Based Center:	For the purposes of these regulations, a “home based child care center” is a privately operated child care facility where children are cared for in a caregiver’s own family residence and which receives less than sixteen (16) minor children. Such a facility may or may not be licensed by the State.
Clinic, Dental or Medical:	A facility for the examination and treatment of ill and afflicted human out-patients; provided however, that patients are not kept overnight except under emergency conditions.
Commission:	The Beebe Planning Commission.
Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Chapter 14.03 of these regulations.
Convalescent Home:	See Nursing Home.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.
Day Care Center, Adult:	A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a twenty-four hour day.
District, Zoning:	Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.
Drive-In Commercial Use:	Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.
Dwelling:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers. The "living quarters" must contain spaces for bathing, sleeping, and meal preparation and eating.
Dwelling, Attached:	A dwelling having any portion of one or more walls in common with adjoining dwellings.
Dwelling, Detached:	A dwelling having open space on all sides.
Dwelling, Single-Family:	A dwelling designed to be occupied by one family.
Dwelling, Two-Family:	A dwelling designed to be occupied by two families living independently of each other.
Dwelling, Multiple-Family:	A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort-type hotels.
Dwelling, Townhouse or Row House	Two 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 may be owned by one family.
Dwelling Unit:	A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.
Easement:	A right-of-way or parcel of land specified or set aside, for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.
Enforcement Officer	That individual designated by the City to enforce the requirements set forth in these regulations.
Family:	One or more persons related by blood or marriage, including adopted children, or a group of not to exceed four (4) persons not all related by blood or marriage, occupying premises and

living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use.

- Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another.
- Garage, Private: An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.
- Garage, Public or Repair: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
- Gasoline or Service Stations: Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.
- Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. [See Nursery.]
- Home Occupation: Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation. Such uses as barbershop, beauty parlor, tearoom or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, real estate office, animal hospital, cabinet or metal or auto repair shop, or dancing school shall not be deemed to be home occupations. Section 14.05.07. contains the requirements governing home occupations.
- Hospital: An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
- Hotel: A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
- Kennel: Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept for personal use or boarding.
- Loading Space (Off-Street): An unobstructed, hard-surface area no part of which is located in any street or public right-of-way, and the principal use of which is for the standing, loading or unloading of trucks and trailers.
- Lot: A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish one building site and comply with the Subdivision Regulations in effect for the City of Beebe.
- Lot Area: The total horizontal area included within the lot.

Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.
Lot, Double Frontage:	A lot having frontage on two non-intersecting streets.
Lot, Interior:	A lot other than a corner lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such 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 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 White 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.
Manufactured Home:	A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-of-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.
Mobile Home:	<p>A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.</p> <p>A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load requirements of the Arkansas Manufactured Housing Commission.</p>
Mobile Home Park:	Land or property containing a minimum of three (3) acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.
Modular Home:	A factory built housing unit that is certified to meet or exceed the state and local building codes where the home is to be permanently installed.
Motel:	A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Ordinance No. 90-07

Motor vehicle:	A motor vehicle is a car, automobile, truck, bus, tractor truck or other vehicle licensed to travel upon the road of the State of Arkansas or subject to licensing for travel, or intended as a carrier for goods and persons from point to point.
Nonconforming Building or Structure:	Any building or structure lawfully existing on the effective date of these regulations, as amended which does not comply with all of the requirements of these regulations for governing parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Chapter 14.11.)
Nonconforming Use:	Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Chapter 14.11.)
Non-operating vehicles:	The term “non-operating motor vehicle” shall mean a motor vehicle which has one or more of the following characteristics: <ul style="list-style-type: none">i. The motor or engine is inoperative or has been removed;ii. The wheels, or any of them, are removed;iii. The motor vehicle has flats on two or more tires;iv. Major operating components of the automobile are missing or in such damaged condition so as to make the motor vehicle useless. For purposes of this subparagraph, “major operating components” shall mean and include, but shall not limit to, windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, engine, gear box, or rear end;v. The motor vehicle does not have a current Arkansas registration (except for antique automobiles more than 25 years old).
Nursery:	Land or greenhouses used for the sale or rental of plants and other landscape or gardening supplies and equipment used in the installation or maintenance thereof. [See Greenhouse]
Nursing Home:	Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.
Open Space:	Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.
Parking Lot:	An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of vehicles.
Parking Space:	An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' x 20'.
Permitted Use:	Those uses specifically listed in these regulations as allowed without any further review by the Planning Commission or City Council, but subject to review and approval by the Code Enforcement Officer.
Pet Shop:	A commercial operation in which small domestic pets and supplies are sold. This does not include outside boarding of such animals. The operation shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other

features, and the business shall be operated in a manner that will not adversely affect other properties and uses in the area.

Plan:	A fully dimensioned drawing which illustrates in detail all elements of a development proposal included, but not limited to, property lines, streets, easements, structural element and landscaping.
Plat:	An engineering drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.
Principle Structure:	A building in which is conducted the principal use of the lot on which it is located.
Principal Use:	The use which fulfills the primary function of an establishment, institution, household, or other entity. It is the specific primary use for which land, building, or structure is used or intended to be used.
Public Utility:	Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.
Reclassification:	An amendment to or a change reflecting a modification of the zoning district boundary map.
Residence:	A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include: <ul style="list-style-type: none">(a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or(b) Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations, or(c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.
Rest Home:	See Nursing Home.
Right-of-Way, Public:	An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County the State or the federal government for public use.
Rooming House:	A structure containing three (3) or more sleeping rooms available to transient occupants on a periodic rental basis which contains common bathing and toilet facilities and a common kitchen and congregate dining hall.
Screening:	See "Buffer".
Service Station:	See Gasoline Service Station.
Setback:	Distance between the lot line and the building line.
Sign:	A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, Business:	“Business sign” means a sign directing attention to a business, commodity, service or other activity conducted on the premises upon which the sign is located.
Site Plan Review:	The process whereby the Planning Commission and staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of Chapters 14.03 and 14.09 of these regulations.
Special Use	A use of land or structure which, upon satisfying certain requirements, may be permitted or approved by the Enforcement Officer. Special uses are normally temporary in nature or of such a nature as to have no, or limited, impact on surrounding land uses.
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, the space between the floor and ceiling next above it. A half-story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.
Street:	Any public or private thoroughfare which affords the principal means of access to abutting property.
Structure:	Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
Structural Alterations:	Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Subdivision:	The word “subdivision” shall mean the division by platted lots or metes and bounds of any lot, tract, or parcel of land situated within the corporate or extraterritorial limits of the City, into two (2) or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of the land, lots, or tracts. A division of land for agricultural purposes into parcels of twenty (20) acres or more and not involving a new street shall not be deemed a subdivision for the purpose of this Code.
Trailer Court:	See Mobile Home Park.
Use:	A purpose to which land is committed.
Variance:	An exception from the strict application of the provisions of these regulations.
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 lot line and nearest point of the roof overhang 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. The building shall be measured from the roof overhang.
Yard, Side:	The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.

Yard, Exterior: Any yard which is adjacent to 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.

Zoning District: A section of the City designated in the text in which requirements for the use of land and building and development standards are prescribed.

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

Zoning Lot: A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of a lot and any legally recorded lot and/or portion of a lot that existed prior to the passage of this code. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of the zoning lot. For the purposes of this code, whenever a requirement pertains to a "lot" (such as setbacks, coverage, and yards) it shall be construed to mean "zoning lot".

CHAPTER 14.03

ADMINISTRATION AND ENFORCEMENT

Sections:

14.03.01	Enforcement Officer
14.03.02	Building Permits
14.03.03	Certificate of Occupancy
14.03.04	Violations
14.03.05	Amendments
14.03.06	Conditional Uses
14.03.07	Special Use Permits
14.03.08	Fees

Section 14.03.01. Enforcement Officer

The provisions of these regulations shall be administered by a Enforcement Officer designated by the Mayor. (S)he may be provided with the assistance of such other persons or departments as the City Council may direct.

Ordinance No. 2018-10

Section 14.03.02. Building Permits

a. General

The City will issue a building permit for either the new construction or renovation of a building within the corporate limits of the City of Beebe only when the application has been approved by the Enforcement Officer as meeting the requirements of these regulations. All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Enforcement Officer.

b. Commercial Construction

A building permit shall only be issued to an individual or entity holding a commercial contractor's license for any commercial construction or renovation of any commercial property when the project totals fifty thousand dollars (\$50,000) or more. This threshold amount includes, but is not limited to, payment for all labor and work on the project, including supervisory work, and the costs of materials needed to finish the project.

Section 14.03.03. Certificate of Occupancy

No building hereinafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Enforcement Officer, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. Placement of a manufactured home or mobile home within the corporate limits of the city shall require a Certificate of Occupancy. A record of all Certificates of Occupancy shall be maintained by the Enforcement Officer.

A Certificate of Occupancy may be revoked by the Enforcement Officer when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offense and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to

the public or private utility.

Section 14.03.04. Violations

a. Enforcement Responsibilities

1. If the Enforcement Officer shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
2. Should the person responsible for such violations fail to take the necessary action to correct it, the Enforcement Officer shall notify the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.
3. Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcement Officer. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

b. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of these regulations shall be placed, or shall exist; and any architect builder, contractor, agent, engineer, person or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

Section 14.03.05. Amendments

a. Amendment to Text

- A. The City Council may recommend to the Commission revisions or amendments to the text of these regulations, or the Commission may on its own motion initiate amendments. The City Council may own its own initiate amend or vote by a majority vote of the city council Ark Code 14-56-423.
- B. Proposed amendments to the text shall be advertised in a newspaper of general circulation at least 15 days in advance of a public hearing to be conducted by the Commission. After the public hearing, the Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text.
- C. The City Council may:
 1. Return the proposed amendment(s) to the Commission for further study and recommendation; or,
 2. Deny the recommendation(s) of the Commission; or,
 3. Adopt by ordinance, in whole or in part, any recommended amendment(s) submitted by the Commission.

The City Council may own its own initiate amend or vote by a majority vote of the city council Ark Code 14-56-423.

b. Amendment to the Official Zoning Districts Map

- A. Amendments to the Official Zoning Districts Map may be initiated by the City Council, the Commission, or one

or more persons who own property for which a change in classification is requested.

- B. If an amendment to the Official Zoning Districts Map is requested by a property owner, such request shall be presented to the Enforcement Officer via an application in such form as the Commission shall require. At a minimum, the application shall be submitted by the property owner or his legally designated agent, at least fifteen (15) days prior to a meeting of the Commission, providing information regarding the:
1. legal description of the property(ies) involved;
 2. current zoning classification of the property(ies);
 3. zoning classification being requested for the property(ies);
 4. a statement explaining the reasons for requesting the proposed changes;
 5. a map displaying the property and other properties within 200 feet of the proposed change(s), including the names and addresses of all affected property owners; and,
 6. such other information as the Commission may reasonably require.
- C. Whenever the Commission has completed appropriate studies, or upon receipt of the completed application for a change in zoning classification, the Commission shall proceed as follows.
1. The Commission shall set a date for a public hearing;
 2. The Commission shall cause notice of the public hearing to be published in a newspaper of general circulation, at least one time fifteen (15) days prior to the hearing;
 3. If the request for an amendment to the Official Zoning Districts Map is requested by a property owner:
 - a. The Enforcement Officer shall post a sign or signs on the property(ies) for which a change in classification is requested. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time and location of the public hearing at which the request will be heard. The sign will be posted at least 15 days in advance of the public hearing, in such a manner as to be clearly and readily visible to adjoining properties; and,
 - b. The applicant shall notify all property owners within a 200 foot radius of the property(ies) boundaries. Such notice shall include, but not be limited to, information about the nature of the proposed zoning classification request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
 4. The Commission shall conduct a public hearing, during which opponents and proponents of the proposed reclassification may speak. Prior to opening the hearing, the Commission shall be provided with evidence that all procedural requirements, including notification of affected property owners, have been satisfied;
 5. At a regular or called meeting following the public hearing, the Commission shall, by majority vote of the entire Commission, deny or recommend approval, in whole or in part or in modified form, the proposed change in zoning classification.
 6. If the Commission recommends approval of the request for a change in zoning classification, it shall submit a written recommendation to the City Council, stating the basis for its recommendation. A copy of this recommendation shall be provided to the applicant(s) within fifteen (15) days from the date of the decision.
 7. The City Council, by majority vote, may:
 - a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 - b. return the proposed change to the Commission for further study and recommendation; or,

- c. deny the recommended change.
8. If the Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why (s) he considers the Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice to the applicant.
- D. An application for a change in zoning classification that has been denied by either the Commission or City Council will not be reconsidered by the Commission for a period of six (6) months of elapsed time from the date of final disapproval by either the Commission or City Council, unless the Commission determines through three-fourths (3/4) majority vote of the entire Commission that a substantial reason exists for waiving this mandatory waiting period.

c. Updates

- A. Subsequent to any approval by the City Council of any change in zoning district classification(s), the City Clerk shall be responsible for revising the Official Zoning Districts Map.
- B. Subsequent to any approval by the City Council of any change in the text of these regulations, the Enforcement Officer shall be responsible for updating, correcting, distributing, and making available such revisions.

Section 14.03.06. Conditional Uses

a. Purpose

The purpose of this section is to establish the procedures for processing conditional use applications and to establish standards by which such uses may be allowed. These regulations recognize that certain uses may or may not be appropriately located in various districts throughout the City in light of their unusual or unique characteristics of operation and/or external effects. The conditional uses listed under the various zoning district classifications are so classified because they more intensely dominate the area in which they are located than do other uses uniformly permitted in the respective district. However, the nature of such a special use makes it desirable that it be permitted to locate within the designated district, but only so long as various standards and protective restrictions are satisfied.

The Commission shall hear and approve or disapprove only those uses which are specifically listed as conditional uses in the respective zoning classifications. After detailed review of a specific use's compatibility with the area and the specific treatment of screening, landscaping and other amenities provided to protect the integrity of the neighborhood, the Commission shall have final authority, subject to the right of appeal to the City Council.

b. Review Standards

In carrying out the purposes of this Section, the following development standards and design criteria shall form the primary basis for conditional use review and approval. The Planning Commission and the City Council shall determine the appropriateness of these standards and criteria as they are applied to each specific special use permit location.

- A. The proposed special use is so designed, located and proposed to be operated that the public health, safety and welfare will be preserved and enhanced.
- B. The proposed land use is compatible with other properties in the area in which it is to be located and will not adversely affect them.
- C. The proposed use is specifically identified as a conditional use for the zoning district within which it is located.
- D. The proposed use conforms to all applicable provisions of these regulations for the district in which it is to be

located, and the use facilitates public convenience at the specific location.

- E The size and shape of the site and the size, shape, and arrangement of proposed or existing structures are in accordance with the specifics of these regulations for the zoning district in which the special permit use is located.
- F The internal street system, ingress and egress proposed off-street parking, off-street loading, and proposed pedestrian ways are adequate for the intended use and in light of the specific requirements of these regulations.
- G The proposal includes adequate safeguards against noxious or offensive emissions, noise, glare, dust and odor.

c. Procedural Requirements

A. A conditional use shall not be granted by the Commission unless and until:

1. A written application for a conditional use is submitted, on such form or forms as the Commission may direct, providing such information as the Commission may require. Such application shall be submitted to the Enforcement Officer at least twenty-one (21) days prior to the date of the public hearing. As a minimum, the application shall provide information regarding:
 - a. the applicable section(s) of these regulations on which the conditional use is authorized and requested;
 - b. a map or drawing showing the location of the proposed use;
 - c. the site and its dimensions, setbacks from property lines;
 - d. existing land uses, as well as the names and addresses of all property owners within two hundred (200) feet of all perimeter boundary lines;
 - e. a generalized graphic representation of what is proposed including screening, landscaping, parking, access and location of the building or buildings; and,
 - f. a narrative description as to the intent of the proposed use.

Further action shall not be taken until the application has been approved as complete by the Enforcement Officer, and the required fee has been received by the City Clerk.

2. The Commission shall cause to have published a notice of the public hearing. Said notice shall be given at least fifteen (15) days in advance of public hearing in an official paper or a paper of general circulation in Beebe.
3. The applicant shall notify all property owners within a 200 foot radius of the property boundaries prior to the hearing. Such notice shall include, but not be limited to, information about the nature of the proposed conditional use request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
4. The Enforcement Officer shall post a notice of such hearing on the property for which conditional use is sought, at least fifteen (15) days prior to the public hearing.
5. The public hearing shall be held. Any party may appear in person, or be agent or attorney. Prior to opening the hearing, the Commission shall determine that:
 - a. it is empowered under these regulations to consider the conditional use described in the application; and,
 - b. all procedural requirements have been met, including the submission of a complete application and

proper notification of affected persons.

If the Commission determines that it is not authorized to consider the request, or if it determines that any procedural requirement has not been met, it shall not conduct the public hearing.

6. At a regular or called meeting following the public hearing, the Commission shall, by majority vote, take one of the following actions:
 - a. Approve the conditional use as submitted;
 - b. Approve the conditional use with modifications;
 - c. Defer the conditional use;
 - d. Deny the conditional use.

The Commission may impose conditions and restrictions upon the premises benefiting by the conditional use approval as may be necessary to reduce or minimize the injurious effects of the conditional use. In making its decision, the Commission shall be guided by the review standards defined in paragraph b. of this section.

7. The Planning Commission shall transmit a written notice of its decision to the applicant within fifteen (15) days of the meeting at which the application was considered.
- B. The decision of the Commission, with respect to any application for a conditional use, shall be final, unless an appeal is made to the City Council. Said appeal shall be in writing and filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice of approval with modification or denial to the applicant. The sole basis for such appeal shall be an assertion that the Commission's findings and decisions were in error.

Section 14.03.07. Special Use Permits

The Enforcement Officer may issue Special Use Permits, for authorized special uses enumerated in Section 14.05.14 or Chapters 14.06, 14.07, or 14.08.

Section 14.03.08. Fees

The following schedule of fees shall apply to the actions described below.

A. Amendments to a zoning district boundary:	\$300.00
B. Certificate of Occupancy	\$25.00
C. Conditional Use:	\$100.00
D. Special Use Permit:	\$25.00
E. Variance:	\$100.00

Under no condition shall any sum, or any part thereof, be refunded for failure of the City to approve any application.

CHAPTER 14.04

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Sections:

- 14.04.01 Zoning Districts Established
- 14.04.02 Zoning Districts Map
- 14.04.03 Interpretation of District Boundaries
- 14.04.04 Annexed Lands
- 14.04.05 Vacation of Public Easements

Section 14.04.01. Zoning Districts Established

For the purpose of these regulations, the City is hereby divided into zoning districts, as follows:

- R-1 Single-Family Residential
- R-2 Moderate Density Residential
- R-3 High Density Residential
- R-4 Moderate Density Single Family Residential
- C-1 Central Business District Commercial
- C-2 Highway Commercial
- C-3 Neighborhood Commercial and Quiet Office
- I-1 Light Industrial

Section 14.04.02. Zoning Districts Map

The location and boundaries of the land use zoning districts established by these regulations are delineated on the attached map designated as "Official Zoning Map." The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of these regulations and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by the general public Monday-Friday during normal business hours.

Section 14.04.03. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
6. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 14.04.04. Annexed Lands

a. Boundaries

The boundary line of a land area proposed for annexation to the City of Beebe shall be drawn in such a manner as to include the entire width of any adjacent or contiguous public rights-of-way or easements, in contrast to a location of the centerline or along the interior side of the right-of-way or easement.

b. Zoning Classification(s)

The zoning district classification(s) of any new additions and annexations of land to the City of Beebe after adoption of these regulations shall be established in one of two ways:

- (1.) The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 14.03.05. shall be followed.
- (2.) In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as R-1 Single-Family Residential and subject to the requirements of that classification upon the effective date of said annexation. Such classification shall be valid for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year of time, the City Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with any applicable plans adopted by the City of Beebe. The procedures governing amendments to the Zoning Districts Map at Section 14.03.05. shall be followed.

Section 14.04.05. Vacation of Public Easements

Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

CHAPTER 14.05

GENERAL DISTRICT PROVISIONS

Sections:

- 14.05.01 Accessory Buildings
- 14.05.02 Automobile Wrecking and Junk Yards
- 14.05.03 Child Care Facilities
- 14.05.04 Fences, Walls, and Hedges (Residential Zones)
- 14.05.05 Erection of More than One Principal Structure on any Lot
- 14.05.06 Interpretation of Uses
- 14.05.07 Home Occupations
- 14.05.08 Flammable Liquids and Gases
- 14.05.09 Exceptions to Height Requirements
- 14.05.10 Mobile Homes
- 14.05.11 Service Station Pumps
- 14.05.12 Storage and Parking of Trailers and Commercial Vehicles
- 14.05.13 Setbacks from Major Identified Thoroughfares
- 14.05.14 Temporary Dwelling for Construction, Maintenance or Security Personnel
- 14.05.15 Visibility at Intersections in Residential Areas
- 14.05.16 Broadcast Media and Wireless Communications Towers
- 14.05.17 Manufactured Home Sitting Requirements
- 14.05.18 Seasonal Sales of Fireworks
- 14.05.19 Privacy Fences Required
- 14.05.20 Non-Operating Vehicles

Section 14.05.01. Accessory Buildings

a. Definition.

Accessory buildings and uses are permitted in each of the districts described herein, but only in cases where all the standards and criteria of this section are satisfied. A building or use is "accessory" when it:

1. is subordinate to and serves a principal building or principal use; and,
2. is subordinate in area, extent, or purpose to the principal building or principal use served; and,
3. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and,
4. is operated and maintained under the same ownership as the principal permitted use; and,
5. is located on the same zoning lot as the principal building.

b. Coverage Limitations.

Accessory building(s) or structure(s) may be built within a required rear yard when located at least five feet (5') from the rear or side lot lines, is not located within any public easement, and when occupying, in the aggregate, not more than:

1. In residential districts, thirty percent (30%) of the area of such required rear yard.
2. In commercial districts, thirty percent (30%) of the rear yard or ten percent (10%) of the area of the lot, whichever results in the smaller accessory building(s).
3. In industrial districts, if operated partially or entirely:
 - a. in detached structures, such detached structures shall be limited to a gross floor area of not more than ten percent (10%) of the area of the lot on which the principal permitted use and the accessory use are located, or thirty percent (30%) of the required rear yard, whichever results in the smaller accessory building(s).

- b. within the structure containing the principal permitted use, the gross floor area within such structure(s) utilized by accessory uses, excepting garages, loading docks, and company dining rooms, shall not be greater than ten percent (10%) of the gross floor area of the structure(s) housing principal permitted use and the accessory use.
4. Satellite dishes larger than three feet [3'] in diameter or other electronic antennae for personal and private use must be placed in rear yard only.

Section 14.05.02. Automobile Wrecking and Junk Yards

a. General

Because of the nature and character of the operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a detrimental effect on surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junk yard properly minimizes its objectionable characteristics, the following standards shall be used.

b. Standards

- A. *Location:* Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
- B. *Screening:* All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
- C. *Off-Street Parking:* Off-street parking shall be provided, consistent with the requirements of Chapter 14.10.
- D. *Ingress and Egress:* The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

Section 14.05.03. Child Care Facilities.

a. Where Permitted

- A. Child Care Center. A child care center may be located, as a conditional use, in any commercial district.
- B. Child Care Home Based Center. A home based child care center may be located, as a conditional use, in any residential district.

b. Requirements for a Home Based Child Care Center.

In addition to the general standards for reviewing a conditional use, such facilities shall meet the following criteria:

- 1. The center shall be located in the single-family dwelling which is the permanent residence of the operator or caregiver and shall be operated in a manner that will not change the character of the residence.
- 2. The dwelling shall be located on a lot having not less than nine thousand (9,000) square feet of area and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than four feet (4') in height.
- 3. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features; and,

4. The Center shall be operated in a manner that will not adversely affect other properties and uses in the area.

Ordinance No. 2018-09

Section 14.05.04. Fences and Screens

a. Background

The City of Beebe is concerned that the construction of fences in yard space fronting on streets may impair the sight distance of the operator of moving vehicles on streets to the extent of creating a traffic hazard and that the erection of fences such as these may obstruct the view from dwellings placed on adjoining lots.

b. Residential

Application for a permit to build a fence on a lot, or lots, in Residential Districts shall be made by the owner or agent of said lot, or lots, to Code Enforcement of the City of Beebe. The application shall indicate, in writing or graphic means, the location, height, materials, and construction method of the proposed fence. The maximum height allowed for fences in residential districts is eight (8) feet. Fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no fence, wall or hedge along the front sides or front edge of any required front yard shall be over three and one half feet (3 ½) in height and shall be no closer than fifteen (15) feet from the back of the curb or edge of the street. A wrought iron or chain link fence, that provides a clear line of vision, may be up to four (4) feet in height and may project or enclose any required front or side yard. Fences, hedges or walls may project into, or be located along, the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of eight (8) feet, subject to the sight clearance for motorists.

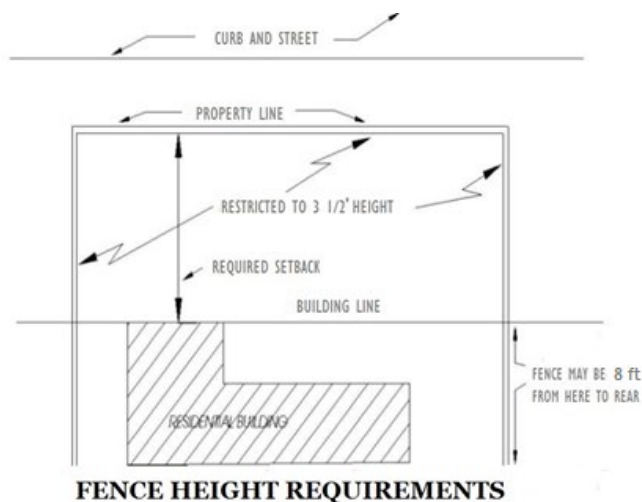
c. Procedure for Residential

Any fence or screen that obstructs vision shall not extend beyond the front building line on any lot, including corner lots. On corner lots that back up to a side yard, and corner lots that back up to rear yards, the fence shall not be set any closer than fifteen (15) feet from the back of the curb, or edge of the street. Any fence or screen proposed for construction in a side yard, facing a street or corner lot, shall be subject to a finding by the Code Enforcement Office as follows:

The Code Enforcement Officer shall review, or cause to be reviewed, the application taking into consideration:

1. The aspects of traffic hazard and view obstruction from adjoining lots; and
2. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Code Enforcement Officer that the proposed fence does not violate the stated concerns of the City of Beebe, the permit shall be issued.



If a permit is denied based upon the applicant's proposal, the applicant may appeal the Code Enforcement Officers decision to the Planning Commission.

d. Commercial, Office and Industrial

Where a C-1, C-2 or C-3 District abuts a Residential District, whether in a shopping center or free standing strip development arrangement, a fence or screen shall be required. Any fence or screen constructed must not extend past the front building line on any lot nor beyond the side building line of corner lots. Said fencing or screens shall have Code Enforcement approval as to location, height, material, and construction.

e. Procedure for Commercial, Office and Industrial

The Code Enforcement Officer shall review, or cause to be reviewed, the application taking into consideration:

1. The aspects of traffic hazard and view obstruction from adjoining lots; and
2. The proposed fence material and construction method in order to eliminate unsightly and dangerous fences.

Upon a finding by the Code Enforcement Officer that the proposed fence does not violate the stated concerns of the City of Beebe, the permit shall be issued. If a permit is denied based upon the applicant's proposal, the applicant may appeal the Code Enforcement Officer's decision to the Planning Commission.

f. Appeals

Appeals of Code Enforcement Officer decisions may be made, in writing, to the Planning Commission within thirty (30) days of the Code Enforcement Officer's decision; that appeal shall be heard on the first available Planning Commission meeting date after the written notice of appeal is delivered to the Code Enforcement Officer. Appeals of Planning Commission decisions may be made, in writing, to the City Council within thirty (30) days of the Planning Commission's decision; that appeal shall be heard by the City Council in accordance with its adopted rules.

Ordinance No. 2012-6

Section 14.05.05. Accessory Dwelling Unit, Attached

- a. In any residential district, only one principal structure and its customary accessory buildings shall hereafter be erected on any lot.
- b. Where an accessory structure is attached to principal structure in a substantial manner, or the equipment of said structure includes a sink, cook stove, or other kitchen facilities for the independent occupancy thereof, this structure shall hereafter be defined as an accessory dwelling unit.
- c. An attached accessory dwelling unit is a structure attached to or constructed within a single-family dwelling which has living facilities for one individual or family separate from the primary single-family dwelling including at least, but not limited to, a kitchen, bathroom and sleeping quarters. An ADU shall not have its own mailbox, water meter, or gas meter, and, all garbage must be kept within a screened area in common to the single-family home.

Section 14.05.06. Interpretation of Uses

In the event an applicant wishes to use property for a use which is not specifically identified under permitted or conditional uses, and where such use is not specifically prohibited from the district, the following provisions shall apply:

- a. The Enforcement Officer shall submit to the Planning Commission a written request for a determination of the unclassified use.
- b. The Planning Commission shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
- c. If the Planning Commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then it shall instruct the Enforcement Officer to issue a permit.

- d. In the event that the Planning Commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses within the district, then the applicant shall apply for a conditional use subject to review procedures of Section 14.03.06.
- e. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by these regulations within a certain district.
- f. Once a use has been allowed or disallowed by the Planning Commission, it shall then be classified under the appropriate category in the district.

Section 14.05.07 Home Occupations

An occupation may be carried on in a residential structure in any residential district only if:

1. It does not involve the use of commercial vehicles operating from the residence.
2. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses. When a State Statute or Regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized with the approval of the Board of Zoning Adjustment.
4. It does not have a sign in excess of four (4) square feet solely to identify the business, occupation or profession, and such sign must be physically attached to the structure.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on by the occupant of said residence; and it must not involve more than two (2) employees, one (1) of whom shall be the occupant.
7. It meets the definition of "Home Occupation" at Chapter 14.02.

Section 14.05.08. Flammable Liquids and Gases

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

Section 14.05.09. Exceptions to Height Requirements

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, necessary mechanical apparatus or other structures not intended for human occupancy or use may be erected to any height not in conflict with any other ordinance of the City.

Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a zoning district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified height limit.

Section 14.05.10. Mobile Homes

The parking or placement of an individual mobile home as the principal residential structure on an individual lot is not permitted in any zoning district, except as a nonconforming use subject to the provisions of [Chapter 14.11](#). A mobile home may be placed or parked as a temporary structure or accessory use through the Special Use Permit process described in Section 14.03.07.

Section 14.05.11. Service Station Pumps

Service station pumps and pump islands may occupy the required yards, provided however, that they are not less than fifteen feet (15') from all property lines.

Section 14.05.12. Storage and Parking of Trailers and Commercial Vehicles

Ordinance No. 2019.10

a. Parking or storage limitations.

Commercial vehicles and trailers of all types including travel, camping and hauling shall not be parked or stored on any lot in any residential district, except in accordance with the following provisions:

1. Not more than one (1) commercial vehicle which does not exceed one (1) ton rated capacity, per family dwelling unit on the premises, shall be permitted, but in no case shall such commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products.
2. Not more than one (1) camping trailer, travel trailer, or recreational hauling trailer per family dwelling unit on the premises shall be permitted and further provided that said trailer shall not be parked or stored for more than one (1) week in duration unless it is located behind the front yard building line.

b. Occupancy Prohibited.

A camping or travel trailer shall not be occupied:

1. permanently at any time while it is parked or stored in any area within the incorporated limits; or
2. temporarily, for more than thirty (30) days, unless it is parked in a designated and permitted recreational vehicle travel park.

Section 14.05.13. Setbacks from Identified Major Thoroughfares

Major thoroughfares have been established through the preparation of a Comprehensive Development Plan for the City and are identified on the Major Thoroughfare Plan. Future rights-of-way for each major thoroughfare shall be of equal distance from the centerline of the proposed major thoroughfare. When a lot identifies the location of an identified major thoroughfare, the required front yard or side yard setback shall be measured from the future right-of-way line; and buildings and structures shall be located accordingly.

Section 14.05.14. Temporary Dwelling for Construction, Maintenance or Security Personnel

A mobile home or other type of dwelling unit intended for temporary use may be located within any district as a special permit use for occupancy by construction, maintenance, or security personnel in accordance with the provisions of Section 14.03.07.

Section 14.05.15. Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights-of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided at Figure 14-1.

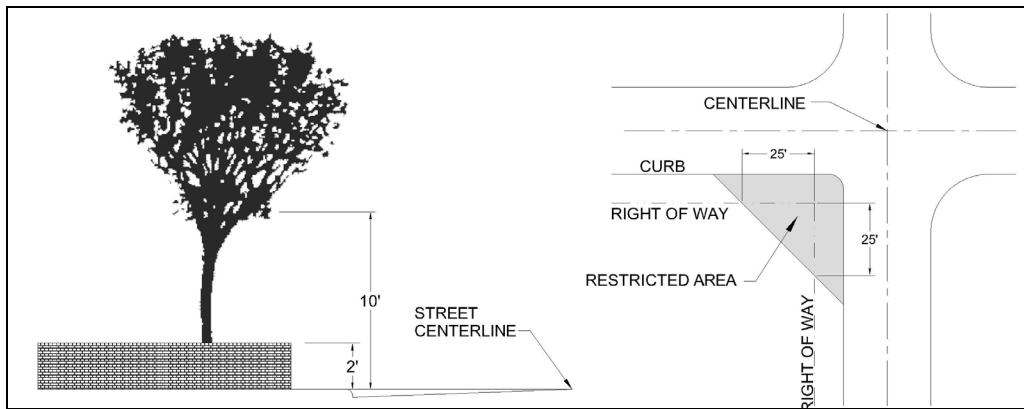


Figure 14.1

Section 14.05.16. Broadcast Media and Wireless Communication Towers

a. Definition.

In this section “tower” means any mast, brace, or other structure used for the support of radio, television, broadcast media or wireless communication antennas.

b. Site Location criteria

Transmission towers may be permitted only in those zoning district where they are specifically identified as a permitted or conditional use, and must meet the following sitting conditions:

1. The owner/user shall first consider sharing other existing or proposed towers in lieu of building a new tower. As part of the application for approval as a conditional use, the applicant shall specifically provide justification as to why sharing is not practical or possible.
2. No tower may be located such that it could strike another tower or supporting structure of another tower should it fall.
3. The tower shall be set back a distance equal to or greater that its height from any residential structure, public road or residential zoning district and not closer than twenty percent (20%) of its height or the distance between the tower base and guy wire anchors, whichever is greater, from any other structure (apart from its accessory buildings).
4. The tower shall be set in a manner that all ice-fall or debris from the tower structure (including tower failure) or guy wires will not fall outside the parcel (being the property purchased or leased for the tower site) containing the tower.
5. All guy wire anchors shall be located not less than twenty-five feet (25') from the parcel boundary.
6. The tower shall not be artificially lighted unless required by the FAA or state department of aeronautics. That lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or state department of aeronautics requires another type of lighting.
7. All accessory structures will meet the normal setbacks for the district in which they are located.
8. Accessory facilities shall not include offices, long-term vehicle storage, other outside storage, broadcast studios (except for emergency purposes) or other uses that are not needed to send or receive transmissions, and in no case may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.
9. Existing on-site vegetation shall be preserved to the maximum extent practicable.
10. All towers and accessory structures shall be surrounded by a solid vegetative buffer strip to form a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view from the surrounding properties. The buffer shall consist of evergreens which will reach a minimum height of at least eight feet (8') within five (5) years. The vegetation shall not encroach over the adjacent property lines and shall provide a complete screen during all months of the year. The plant material and layout must be approved by the

Commission, prior to issuance of a permit. Other types of vegetation, topography, walls, and fences may be substituted, as approved by the Commission.

11. The tower shall not be located so that would be a hazard to aircraft or a source of adverse electromagnetic interference for the surrounding property owners.
12. Whenever feasible, the tower should be designed with the capacity for shared use with other potential tower users.

Section 14.05.17. Manufactured Home Sitting Requirements.

Ordinance No. 2020-06

The following sitting standards shall apply to all instances of placement of manufactured homes permitted conditionally in a residential district:

1. A pitched roof of at least three feet (3') rise in twelve foot (12') run;
2. Removal of all transport elements;
3. Anchored to the ground in compliance with the regulations of the Arkansas Manufactured Home Commission;
4. Exterior wall finished so as to be compatible with the neighborhood;
5. Orientation compatible with placement of adjacent structures;
6. Underpinning with permanent materials; and,
7. Compliance with other district standards.
8. Placement of manufactured homes older than ten years at the time of placement is prohibited.

Manufactured homes, or mobile homes, must be inspected by City Code Enforcement Officer before being set in place to ensure that all requirements can be met (condition of home, set back dimensions, compatible with neighborhood).

Section 14.05.18. Seasonal Sales of Fireworks

Temporary structures for the seasonal sale of fireworks may be permitted on property within specified zoning districts, subject to the issuance of a permit by the Enforcement Officer. The Enforcement Officer may require the completion of an application or such forms as may be necessary to ensure compliance with this Code and with any other ordinances of the City of Beebe pertaining to the sale of fireworks within the corporate limits of the City. Prior to issuing a permit, the Enforcement Officer shall determine that the location of the temporary structure:

1. is located within a C-2 or I-1 zoning district;
2. is located at least two hundred feet (200') from any residential structure, church, or school building;
3. provides adequate access and parking to keep vehicles off of road rights-of-way;
4. meets the requirements of any other city ordinance dealing with the sale of fireworks.

Any permit issued by the Enforcement Officer shall be valid for a period not to exceed two (2) weeks prior to the 4th of July or the 1st of January. A separate permit shall be required for each period and is not renewable or transferable.

Failure to comply with any of these provisions or with any of the stipulations of the permit shall be considered a violation of this Code and punished as provided in Section 14.03.04.

Ordinance No. 2017-02

Section 14.05.19 Privacy Fences Required

The owner of any property inside the Beebe City limits that is commercial or industrial property must construct, and maintain in good condition, a five (5) to (7) foot solid privacy fence between the property owner's property and any single family residential (R-1 through R-4) property that the property owner's property abuts. Any owner of property inside the Beebe City limits that is commercial or industrial property who is not in compliance with the provisions of this Section on March 27, 2017, has ninety (90) days from March 27, 2017, to comply with the provisions of this Section.

Ordinance 2019-12

Section 14.05.20 Non-Operating Vehicles

Section 1: Prohibition

It is unlawful for any person, firm, corporation, partnership or other entity, to have or maintain a non-operating vehicle as – hereinafter defined on any property, city street or street right of way, located within the city limits of **BEEBE, ARKANSAS**. The city council governing body shall have the authority to punish, prevent, or remove any encroachment of said vehicles upon any street or right of way and declare encroachment as public nuisance. Nuisance may be proceeded against by order of the city council or prosecution within court of jurisdiction.

Section 2: Exceptions. Nothing in the Ordinance shall be construed so as to prohibit or apply to the following:

- a. Any motor vehicle that can be started or moved under its own power on demand.
- b. Motorcycles and motorbikes.
- c. Antique automobiles, provided such automobile is at least 25 years old and is restored to operating condition within 90 days from the date it was moved onto the property.
- d. Temporarily disabled motor vehicles having a current Arkansas registration provided they are restored to running condition within ninety (90) days from the date of disablement.
- e. Non-operating motor vehicles, which are located upon any property within the city limits, provided vehicles are located within a completely enclosed structure or are located within a privacy fence.
- f. Any business, including but not limited to auto paint or body rebuilding shop, auto repair garage, automobile wrecking and junk yards, and auto sales and service, where no n-operating vehicles are stored within a completely enclosed structure or within a completely opaque fenced area within a properly zoned district.

Section 3: Violators. A person shall be deemed in violation of the prohibitions of this Ordinance if:

- a. Such person owns or has registered to him a n on-operating vehicle that is in a prohibited area within the provisions of this Ordinance.
- b. Such person owns property upon which non-operating vehicles re placed, parked or found resting in a prohibited area within the meaning of this Ordinance.
- c. It shall be a prima facie that the registered owner of the motor vehicle is the owner of the motor vehicle and that the record owner of any real property is the owner of such real property.

Section 4: Penalties

Residential Property Penalties. The violation of this Ordinance is hereby declared to be an unclassified misdemeanor and shall be punishable upon conviction by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), and each day that the no n-operating vehicle is or remains upon the property of a person in violation of this Ordinance shall constitute a separate offense.

Commercial and Industrial Property Penalties. After receiving a notice of violation from the office of Code Enforcement and given a corrective action time frame, the failure to comply shall result in the following penalties: a fine shall be assessed in the amount of \$1,000.00 and a fine of \$500.00 per day for each day th at the violation shall continue. If the violation still exists at the end of the 30-day period, a lien in favor of the City of Beebe shall be placed upon the property at the White County Tax Assessor's office.

Section 5: Definitions. The following terms shall have the meaning hereinafter set forth for purposes of this Ordinance:

- a. For purposes of this Ordinance, the term “non-operating motor vehicle” shall mean a motor vehicle which has one or more of the following characteristics:
 - i. The motor or engine is inoperative or has been removed;
 - ii. The wheels, any of them, are removed;
 - iii. The motor vehicle has flats on two or more tires;
 - iv. Major operating components of the automobile are missing or in such damaged condition so as to make the motor vehicle useless. For purposes of this subparagraph, “major operating components” shall mean and include, but shall not limit to, windshield glass, door glass, fenders, gauges, steering wheel, tie rods, springs, drive train, engine, gear box, or rear end;
 - v. The motor vehicle does not have a current Arkansas registration (except for antique automobiles more than 25 years old).

Section 6: Any non-conforming use of the property at the time of passage of this Ordinance shall have up to 30 days, at the discretion of the Code Enforcement Officer, to bring the property into compliance.

Section 7: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 8: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

CHAPTER 14.06

RESIDENTIAL DISTRICTS

Sections:

- 14.06.01 General Purposes
- 14.06.02 Purpose of Each District
- 14.06.03 Permitted Uses
- 14.06.04 Lot, Yard and Height Requirements
- 14.06.05 Additional Requirements of the R-4 District
- 14.06.06 Mobile Home Parks
- 14.06.06.1 Recreational Vehicle Parks

Section 14.06.01. General Purposes

The residential districts established by these regulations are designed to promote and protect the health, safety, convenience, order, and the general welfare of the citizens of Beebe. This broad aspiration is supported by the following purposes and objectives:

1. To provide sufficient space at appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the City of Beebe, giving adequate consideration to the need for a variety of choices in site selection and site design.
2. To permit improved movement on the public street system and to efficiently utilize existing public streets; and insofar as possible, to ameliorate the effects of heavy vehicular traffic through residential areas.
3. To provide residential areas with basic protection against harmful levels of congestion through the regulation of density of population, the intensity of development, and the bulk of buildings in relationship to the surrounding land areas and the larger neighborhood.
4. To provide for access of light and air to windows and to provide for privacy through controlling the height of buildings and their proximity to each other.
5. To promote the most desirable use of land and building development, to protect the character of each district and its suitability for particular uses; and to conserve the value of land and buildings.

Section 14.06.02. Purpose of Each District

a. Single-Family Residential (R-1)

This district is designed for those existing and future areas of the City that are characterized by a quiet residential neighborhood. The principal uses of land are for single-family dwellings and related recreational, religious, educational, and institutional facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through a consideration of the proper functional relationship of each element, at a density of approximately 4 to 5 residential units per acre. The requirements for this district are designed to stabilize and protect the essential characteristics of the neighborhood and to prohibit all activities of a commercial nature.

b. Moderate Density Residential (R-2)

This is a residential district of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a slightly higher population density than permitted in the R-1 District, or not more than 9 residential units per acre. The principal uses of land are for single-family, two-family, and low density multi-family developments, all supported by necessary religious, educational, institutional, and recreational facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

c. High Density Residential (R-3)

This is a residential district intended to provide environmentally suitable space for medium to high density developments, with densities up to 16 residential units per net acre. The principal uses of land in this district are single-family dwellings, two-family dwellings, low-rise multiple family dwellings, townhouses, condominiums; and, under certain specified conditions, home occupations, and mobile home parks. The principal uses are intended to be supported by the necessary recreational, religious, institutional and educational uses that are normally located in close proximity in order to service the residential areas and to provide for a balanced and acceptable residential neighborhood.

d. Moderate Density Single Family Residential (R-4)

This is a residential district of the same general type and character as that described above for the R-1 District, but permitting higher densities of development than permitted in the R-1 District. The principal uses of land are for single-family dwellings and limited recreational uses normally located to service residential areas and necessary to provide the basic elements of convenient balanced, and attractive living areas.

Section 14.06.03. Permitted Uses

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

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

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of Section 14.03.06.

"SP" means that the listed use is permitted subject to securing a permit from the Enforcement Officer.

"X" means that the use is prohibited.

(Amend to exclude single family manufactured homes in an R-2 District)

RESIDENTIAL DISTRICTS

Ordinance No. 2012-06

Permitted Uses	R-1	R-2	R-3	R-4
A. Residential				
Condominium	X	X	P	X
Manufactured Home	X	X	P	X
Mobile Home Park	X	X	P	X
Rooming or Boarding House	X	X	P	X
Single-Family Attached	X	P	P	P
Single-Family Detached	P	P	P	P
Accessory Dwelling Units	SP	SP	X	SP
Townhouse	X	X	P	X
Two-Family Dwelling	X	P	P	X
Multiple-Family Dwellings	X	CU	P	X
B. Commercial				
Bed & Breakfast	X	CU	CU	X
Child Care - Home based center (less than six (6) children)	CU	CU	CU	CU
Child Care - Home based center (more than five (5) but less than sixteen (16) children)	CU	CU	CU	CU

Permitted Uses	R-1	R-2	R-3	R-4
Home Occupation	P	P	P	P

C. Community Facilities and Public Utilities

Adult Day Care Center	X	CU	P	X
Art Gallery, Museum (Public)	X	X	CU	X
Church or other place of worship	SP	SP	SP	X
Club or lodge, private except those whose chief activity is carried on as a business	X	X	CU	X
Community building, public	CU	CU	CU	CU
Electrical or gas substation	CU	CU	CU	X
Establishment for care of alcoholic, drug or psychiatric patients	CU	CU	CU	X
Golf course, but not including commercially operated driving range or miniature golf course	CU	CU	CU	X
Hospital, health center, institution for aged or children, and extensions or additions to existing	CU	CU	CU	X
Library	CU	CU	CU	X
Nursing, convalescent or rest home and extensions or additions to existing	CU	CU	CU	X
Park or playground	P	P	P	P
School, public, parochial, or private non-profit	CU	CU	CU	X
Telephone exchange, but not including garage, shop or service buildings	CU	CU	CU	X
Water treatment plant, pumping station, elevated storage or reservoir	CU	CU	CU	X

D. Agricultural

Animal husbandry, dairying, and pasturage	X	X	X	X
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises	CU	CU	CU	X

E. Other

Temporary structures for construction and/or sales operations	SP	SP	SP	SP
Yard sales, garage sales, or carport sales ^a	P	P	P	P
Nonconforming uses, subject to the provisions of <u>Chapter 14.11</u> .	CU	CU	CU	CU
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	CU	CU

a. Provided that not more than four [4] such events shall occur within any one [1] year period of time, for a duration of not more than three [3] days per event.

Section 14.06.04. Lot, Yard and Height Requirements

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height requirements to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc. shall satisfy the most restrictive area, yard and height requirements listed below for the particular zoning district in which they are located. These restrictions may be:

- a. superseded by the design of a Planned Development District approved by the Planning Commission consistent with the procedures and standards of Chapter 14.09;
- b. granted a variance by the Board of Adjustment, consistent with the provisions of Section 14.12.03.
Ordinance No. 2012-02
- c. Buffer: All interior sides of a multi-family district R-2, R-3, abutting a single family residential district R-1, R-4, shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five (5) feet or more than seven feet (7). Such fence or wall shall be maintained in good condition.

D I S T R I C T	USE	LOT AREA (SQ. FT.)	OPEN SPACE PER DWELLING (SQ. FT.)	LOT WIDTH AT BLDG. LINE ^a	LOT COVERAG E MAX %	FRONT YARD	SIDE ^b			REAR YARD	HEIGHT	
							INTERIOR	EXTERIOR	CORNER		STORIES	FEET
								Backing Up to Side Yard	Backing Up to Rear Yard			
R-1	SF Detached Non-residential	9,000	N/A	75 ^e	30	30	12	30	15	35	2½	35
		9,000	N/A	75 ^e	40	30	25	30	25	35	2½	35
R-2	SF Detached	6,500	N/A	65	30	25	8&12	25	15	25	2½	35
	Multi-family	6,500	N/A	65	40	25	8	25	15	25	2½	35
	Non-residential	10,500	N/A	65	40	25	25	25	25	25	2½	35
R-3	SF Detached	6,500	N/A	65	40	25	8&12	25	15	20	2½	35
	MF Apartment	10,500 ^d	750	60 ^f	60	25	15	25	20	20	2½	35
	Condo/Townhou se	10,500 ^d	750	22	60	25	15	25	20	20	2½	35
	Non-residential	7,000	N/A	50	50	25	25	25	15	20	2½	35
R-4	SF Detached	6,500 min 9,000 max	N/A	65'	30	25 ^h	12 & 8	25	15	25 ⁱ	2	35

p

R-2 eliminate single family duplex. R-3 eliminate single family duplex.)

Notes:

- a. This minimum requirement shall not apply to any lot that was recorded on a plat of record prior to the effective date of these regulations, provided that:
 - 1. the minimum lot width, as measured at the building line, may be reduced to 50 feet (50') in R-1, R-2 or R-3 districts, or
 - 2. front and rear yard requirements can be met; and,
 - 3. the requirements of note (b) below can be met.
- b. On any lot that does not meet the minimum lot width requirements above, but which was recorded on a plat of record prior to the effective date of these regulations, there shall be two side yards each equal to ten percent (10%) of the platted width of the lot.
- d. Community facilities, when permitted, are subject to the requirements of Section 14.05.09.
- e. Minimum lot area is 10,500 square feet or 1,400 square feet per living unit, whichever is greater.
- f. Each lot shall abut on a street for a distance of not less than fifty feet (50').
- g. Width shall be increased by five feet (5') for each additional dwelling unit exceeding three (3) which is located in the building; provided, however, that the lot width of the front building shall not be required to exceed one hundred fifty feet (150').
- h. Density not to exceed nine (9) units per acre
- i. If lot is double frontage, front yard requirement shall be provided on both streets
- j. An accessory building located in a rear yard shall be a minimum of five feet (5') from the rear and side lot lines, not located in any public easement and not occupying more than thirty percent (30%) of the required rear yard.
- k. For main building, there shall be a rear yard depth of not less than rear depth outlined here or twenty percent (20%) of the depth of the entire lot, whichever is smaller.

Section 14.06.05. Additional Requirements of the R-4 District

In addition to the requirements enumerated in Section 14.06.04, the following requirements shall be applicable to the Moderate Density Single Family Residential District (R-4).

- a. Each dwelling unit shall have a minimum of one thousand (1,000) square feet of living area;
- b. Each dwelling unit shall have an attached carport or garage
- c. Each dwelling shall have a paved (concrete or asphalt) driveway of not less than twelve feet (12') in width and must extend to street paving.
- d. Any R-4 District shall contain a minimum of sixteen (16) lots or two and one half (2½) acres, whichever is greater.

Section 14.06.05. Additional Requirements of the R-4 District

In addition to the requirements enumerated in Section 14.06.04, the following requirements shall be applicable to the Moderate Density Single Family Residential District (R-4).

- e. Each dwelling unit shall have a minimum of one thousand (1,000) square feet of living area;
- f. Each dwelling unit shall have an attached carport or garage
- g. Each dwelling shall have a paved (concrete or asphalt) driveway of not less than twelve feet (12') in width and must extend to street paving.
- h. Any R-4 District shall contain a minimum of sixteen (16) lots or two and one half (2½) acres, whichever is greater.

Section 14.06.06. Mobile Home Parks

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

a. Permitted District Locations

Mobile home parks shall be permitted only in the Medium Density Residential District (R-3) zone.

b. Development Standards

Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

1. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than three (3) acres.
2. Each mobile home space shall contain not less than 4,000 sq. ft. minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than 40 feet in width and of adequate shape to provide off-street parking for two (2) automobiles.
3. The minimum front yard setback shall be twenty feet (20') to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least 20 feet from all internal drives and access routes through the mobile home park.
3. The minimum distance between mobile homes shall be twenty feet (20'), and under no circumstances shall there be more than eight (8) mobile home spaces developed in any one (1) acre of the mobile home park.
4. Mobile home parks must set aside and improve an area to be used for recreational purposes. All parks shall develop a recreational area equal to eight percent (8%) of the total land area of the park.
5. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such

internal drives shall be privately-owned, built and maintained. Such roadways shall be at least twenty (20) feet in width and shall be constructed with a bituminous or concrete surface.

6. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen feet (15').
7. There shall be at least two (2) paved off-street parking spaces for each mobile home space which shall be on the same site or located in grouped parking bays specifically designed for this purpose close to the site served.

c. Review Procedure

The Commission shall review all proposals for Mobile Home Park design using the Conditional Use procedures of Section 14.03.06. of these regulations.

Ordinance No. 2012-23

Section 14.06.06.1 Recreational Vehicle Parks

All Recreational Vehicle Park sites shall be required to comply with the following requirements prior to being granted a Conditional Use Permit.

1. No Recreational Vehicle Park should be located on any site containing less than approximately four (4) acres.
2. No Recreational Vehicle Park shall be located on any site that is subject to flooding as determined by the City Code Enforcement Officer, or on any site that is designated as in a flood plain.
3. Fire hydrants shall be located at the entrance to the Recreational Vehicle Park, and throughout with no more than 50 feet of separation between hydrants. Fire hydrant location shall be subject to approval by the Beebe Fire Department.
4. All interior roads shall allow a minimum of twenty-five (25) feet of clearance for one-way traffic, and a minimum of thirty (30) feet of clearance for two-way traffic.
5. Roads shall be constructed as an all-weather surface, either concrete, asphalt, or hard-packed gravel, and maintained for the life of the Recreational Vehicle Park in a condition sufficient to meet the requirements of the Arkansas Fire Prevention Code. All roads shall be subject to approval by the City Code Enforcement Officer and the Beebe Fire Department.
6. Sufficient solid or vegetative screening is required wherever the Recreational Vehicle Park property boundary shall abut residential property.

a. Operation of the Recreation Vehicle Park

1. All parking pads for recreational vehicles shall be designed to maintain a minimum of twenty-five (25) feet of lot width.
2. All parking pads for recreational vehicles shall be a level surface of high grade, packed gravel or other all-weather surface.
3. All parking pads for recreational vehicles shall have a minimum of 120V AC electricity and shall have water supplied through the public water system.
4. All parking pads for recreational vehicles shall be visually marked in a logical order for 911 emergency purposes.
5. All parking pads for recreational vehicles shall meet the setback requirements for yards as contained in Section 14.07.04 of the City of Beebe Zoning Code.
6. All grounds and facilities of the Recreational Vehicle Park shall be maintained by the owner or site manager, and shall be maintained in such a manner as to prevent dust or soil erosion.
7. The on-site manager may live in a RV vehicle by obtaining a Special Use Permit, but there cannot be a manufactured home placed at RV parks.
8. All utilities shall be placed underground.
9. There shall be a centrally located refuse disposal facility sufficient to accommodate maximum occupancy of the Recreational Vehicle Park.
10. There shall be a single mailbox facility located at the park entrance or the site manager's office.

11. No site shall be used as any person's permanent residence. In no event shall any recreational vehicle remain at the same pad for more than 180 days.
12. Only self-contained recreational vehicles are allowed to park in the Recreational Vehicle Park. Any recreational vehicle containing a sink, toilet, and or bath facilities must have both fresh water and waste water holding tanks.
13. The Recreational Vehicle Park must contain either individual sewer ports or each pad, or at least one on-site sewer disposal station.
14. No solid underpinning shall be allowed for any recreational vehicles.
15. Area lighting sufficient to provide for the health, safety, and welfare of all occupants of the Recreational Vehicle Park and any emergency personnel who may have to respond to the Recreational Vehicle Park shall be installed.
16. No storage sheds shall be allowed on any parking pad within the Recreational Vehicle Park.
17. All open fires shall be contained in designated rings or stoves.
18. There shall be sufficient off road parking and guest parking provided in the Recreational Vehicle Park.
19. All common facilities or public places shall comply with any ADA access requirements.

Ordinance No. 2012.06

14.06.07.1 Purpose

The purpose of this section is to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose is to permit establishment of additional living quarters within single-family residential neighborhoods in order to (1) make it possible for adult children to provide care and support to a parent or other relatives in need of assistance, or (2) provide increased security and companionship for homeowners, or (3) to provide for the care of disabled persons within their own homes.

14.06.07.2 Density limitation – Limitation on Total Occupancy

Subject site shall be occupied by no more than one family. This limitation shall be interpreted to accomplish its purpose, which is to insure that the approval of an accessory dwelling unit shall not increase the overall density of a single-family residential neighborhood.

14.06.07.3 Application and Filing Fee

- A. Application. Any person desiring approval of an accessory dwelling unit as defined by the zoning code shall submit an application for a conditional use containing all of the information required by Chapter 14.03.06 as well as the following information
 1. An affidavit, signed by the property owner before a notary public, affirming that the owner occupies either the main building of the accessory dwelling unit for more than six months of the year.
 2. If the conditional use permit lapses or the use ceases, at the request of the applicant the city shall be accompanied by the filing fee for the permit in the event the accessory dwelling unit permit should be approved.
- B. Filing Fee. All applications for an accessory dwelling unit conditional use permit shall be accompanied by the filing fee for the permit in the event the accessory dwelling unit permit should be approved.

14.06.07.4 Criteria for Attached Accessory Dwelling Units

- A. Conditional Use Permit required. Any person who occupies or permits another person to occupy an attached accessory dwelling unit as a place of residence shall first obtain a permit. The permit shall be reviewed and processed in accordance with the requirements of Chapter 14.03 – Notice Required.
- B. Number of Units. A single-family dwelling may have no more than one (1) accessory dwelling unit per lot.
- C. Size. In no case shall an accessory dwelling unit be (i) larger than 40 percent (40%) of the livable floor area of

the principal dwelling, (ii) nor more than 800 square feet, (iii) nor have more than 2 bedrooms; provided, if the accessory dwelling unit is completely located on a single floor, the Board of Adjustments may allow increased size up to 50% of the floor area of the principal dwelling in order to efficiently use all floor area, so long as all other standards set forth in the chapter are met.

- D. Location and Appearance. The single-family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the accessory dwelling unit shall be incorporated into the design of the principal dwelling as a single family residence using matching materials, colors, window style, and roof design. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be unobtrusive when viewed from the street. Whenever possible, new entrances should be placed at the side or rear of the building. Only one electric and one water meter shall be allowed for the entire building, serving both the primary residence and the accessory dwelling unit. Accessory dwelling units must be located within or attached to single-family dwelling units.
- E. Parking. One off-street parking space in addition to the parking spaces normally required for the principal dwelling shall be required to be provided for the accessory dwelling unit.
- F. Occupancy. Either the primary dwelling or the accessory dwelling shall be owner-occupied. "Owner-occupied" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit. The owner(s) shall not rent the designated owner-occupied unit at any time during the pendency of the ADU permit; any such rental shall void the permit. The owner(s) shall not rent any portion of the owner-occupied residence either during the owner(s)' occupancy or while the owner is absent from the owner-occupied unit for any period. In no event shall the total number of occupants exceed one family as defined in this code, provided, however, that if the accessory dwelling unit is occupied by a nurse or other caregiver assisting a disabled person who is an occupant of the principal residence, or the principal residence is occupied by a nurse/caregiver and the accessory dwelling unit is occupied by a disabled person under the nurse's care, the occupancy limit of one family may be increased by one additional unrelated person to a total of one family related by genetics, adoption or marriage plus one unrelated person, or a total of six unrelated persons. In no event shall the total number of occupants exceed one family as defined in this code.
- G. Safety, Light, Ventilation, Floor Area and Similar Factors. Accessory dwelling units shall comply with all applicable requirements of Section 14.06.01 and shall comply in all respects with the provisions of the Beebe Zoning Code. No permit for an accessory dwelling unit shall be issued to a nonconforming structure unless that structure is brought into conformance with the then current provisions of the Beebe Zoning Code.

14.06.07.5 Non-transferability

A conditional use permit for an accessory dwelling unit shall not be transferable to any site other than the subject site described in the application.

14.06.07.6 Pre-Existing Accessory Dwelling Units

That portion of a single family residence which meets the definition of accessory dwelling unit which was in existence prior to (date of adoption of this ordinance), may continue in existence provided an application for an accessory dwelling unit which meets the appropriate criteria contained in 14.06.07.4 is submitted within one year of (date of adoption). The Board of Adjustments may waive the size limitations contained in 14.06.07.4 if it finds that the reduction of floor area required to bring the pre-existing unit into compliance is impractical to achieve.

14.06.07.7 Conditional Use Permit Requirements

In addition to any conditions imposed during the permit approval process, conditional use permits for accessory dwelling units shall state and are expressly subject to the condition that such a permit shall expire automatically whenever:

- A. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the permitting authority and building official.

- B. The subject site ceases to maintain the required number of parking spaces.
- C. The property owner ceases to reside in either the primary residence or the accessory dwelling unit, or the owner occupied unit is rented.

CHAPTER 14.07

COMMERCIAL DISTRICTS

Sections:

- 14.07.01 General Purposes
- 14.07.02 Beebe Districts and Building Design
- 04.07.02.01 Purpose of Each District
- 14.07.03 Permitted Uses
- 14.07.04 Lot, Yard and Height Requirements
- 14.07.05 Mini-Warehouses
- 14.07.06 Outdoor Storage and Waste Disposal
- 14.07.07 Limitations on External Effects and Uses
- 14.07.08 Residential Uses in the Downtown Commercial District

Section 14.07.01. General Purposes

Various commercial districts are established by these regulations for the support of business, commerce, finance, and other activities of a commercial or service nature that are customarily carried on for the economic base support of the overall community and to serve the specific needs of the residents of the community.

Ordinance No. 2018-09

Section 14.07.02. Beebe Districts and Building Design

Section 14.07.02.01 Purpose of Each District

a. Central Business District (C-1)

This district is the original downtown of Beebe and is used primarily to provide office space for local, regional, and national commercial activities or government; retailing and personal services of all kinds; and other intensively operated commercial uses. The regulations are designed to permit a concentrated intensive development of enumerated facilities and uses, limited by standards intended to provide light and air, insure adequate street exposure of buildings in the district, and to protect the district itself from over-intensive development of land coverage and over-congestion as related to the ultimate capacity of common public facilities which serve the entire district and the existing traffic circulation street system.

b. Highway Commercial District (C-2)

This is a district usually located along major highways or arterial streets, used primarily for the retailing of durable goods, implements, heavy appliances and vehicles; providing services and lodgings for transient visitors or diners; and for uses which because of their nature require open storage or display of goods or material; and which require large-scale advertising. As this district is frequently located in close proximity to residential areas, the regulations are designed to permit development of enumerated uses but limited by standards and requirements that are intended to protect and preserve the abutting or surrounding residential districts, and to minimize potential traffic hazards.

c. Neighborhood Commercial and Quiet Business District (C-3)

This commercial district is intended to provide a place for the types of office, service, and commercial activities that serve the regular needs and/or for the convenience of the people residing in the adjacent residential areas. Because these shops, stores and offices may be an integral part of the neighborhood closely associated with residential, religious, and recreational elements, restrictive requirements are made for light, air, use intensity and open space. These are designed not only to make the commercial uses compatible with nearby residential uses but also are intended to control the intensity of development and use. This district also permits a limited mixture of residential

04.07.02.02 Commercial Building Design Standards

a. Purpose

The purpose of this section is to create a framework for ensuring that the design of buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city, thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of buildings that:

1. Are designed to maintain a visual aesthetic that meets a consistent standard and protects the general welfare of the community;
2. Express individual design and creativity without detracting from the visual environment to the point at which the values of adjoining properties will be negatively affected;
3. Are appropriate to the context in which they reside; and
4. Generally do not detract from the aesthetics of the location, area, and community as a whole.

b. Application and Required Information

1. The regulations of this section (TBD) shall apply to all buildings excluding: manufactured homes, single-family dwellings, two-family dwellings, small-scale, multi-family dwellings, residential accessory structures, and industrial structures.
2. Compliance with the standards shall be triggered by the following forms of construction activity:
 - i. Construction of a new buildings;
 - ii. Modification to the exterior façade of an existing structure. “The Code Enforcement Officer shall have the authority to waive these requirements in situations where compliance would detract from the visual appearance of the building due to the planned modifications being limited to only small portions of the building); or
 - iii. When a nonconforming structure is otherwise required to come into compliance with the provisions of this Zoning Code due to destruction or other reason.
3. The following information shall be provided by the applicant to determine compliance with these regulations:
 - i. Rendered drawings of the front and side façade elevations of the building;
 - ii. Materials list for front and side facades, roof structures, and trim; and
 - iii. Other pertinent information as may be required by the Code Enforcement Officer to determine compliance.

c. Procedures

1. Code Enforcement Approval: The Code Enforcement Officer shall have the authority to review and approve (or deny) a building design when it meets all of the following conditions:
 - i. The design of the building meets all of the design standards contained in this section (TBD);
 - ii. The building does not exceed two stories in height; or
 - iii. The building is part of a building permit application or site plan review which would not otherwise

require approval by the Planning Commission. If the building requires site plan review, its design shall be reviewed as part of the site plan review process. If the building does not require site plan review, its design shall be reviewed as part of the building permit review process.

2. Planning Commission Approval: The Planning Commission shall review building design and approve (or deny) the design under the following situations:
 - i. The design of the building does not meet all of the standards contained in the Design Standards section, as determined by the Code Enforcement Officer. Such designs shall be treated as a non-standard building and reviewed as such;
 - ii. The building exceeds two stories in height; or
 - iii. The building is part of a site plan review application which requires approval by the planning commission.

d. Review of Building Design for Non-Standard Buildings

- i. No discernible public benefit would be gained by requiring an alternative design;
- ii. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole; and
- iii. The proposed construction meets the spirit and intent of this section of the Zoning Code.

e. Design Standards

1. The following standards must be met to qualify as a Standard Commercial Building:
 - i. The finished façade of the front or any visible side of the building shall be composed of architectural building materials. This shall include any façade that fully faces a public street or fire apparatus access lane that is also used for public access, including internal streets developed to serve a multiple building site. The visible side of the building shall mean the forward eight (8) feet of any side perpendicular to a street and all of a side on an angle of less than ninety (90) degrees as measured from the street or fire apparatus access lane to the side of the building. Architectural building materials shall include, but not be limited to:
 - a. Exterior Insulation Finish Systems (EIFS) of Dryvit
 - b. Brick or Brick panel Systems
 - c. Architectural or split concrete blocks excluding precision/standard concrete blocks known as CMU
 - d. Glass
 - e. Pre-cast Concrete
 - f. Native stone or mortar
 - g. Wood
 - h. Tile
 - i. Stucco
 - j. Aluminum Composite Panels (ACP)

- k. Hardiplank or Fiber Cement Siding
 - l. Metal Paneling with concealed fasteners (May not exceed 30% of the total area of any façade wall)
 - m. Metal Siding with a sine wave pattern (May not exceed 30% of the total area of any façade wall)
 - n. Other appropriate exterior grade architectural materials.
- ii. The building plans shall designate one façade of the building as the front façade of the building. This façade shall have windows and doors, or other architectural accents, comprising no less than fifteen (15) percent of its total square footage.
 - iii. The vertical plan of the façade designated as the front façade of the building shall not be completely flat, but shall be broken vertically in at least one location by a minimum of a one (1) foot differential in the vertical plane for each fifty (50) feet horizontal surface or a minimum of one (1) time. This requirement may be met by a recessed or extended entrance.
 - iv. The front entrance of the building shall be covered and well-articulated, and shall not consist solely of a door opening into a flat, vertical plane.
 - v. In general, the building shall not represent a simple box-like structure or resemble a temporary or portable building. The building must have encased steel (rebar) in a standard concrete footing. The structure cannot be pole barn type construction.
 - vi. Mechanical equipment, whether ground-mounted or roof-mounted on any portion of the building must be placed or screened in such a manner that it is not visible from any public street or fire apparatus lane that is used for public access.

f. Appeals

Appeals of Code Enforcement Officer decisions may be made, in writing, to the Planning Commission within thirty (30) days of the Code Enforcement Officer's decision; that appeal shall be heard on the first available Planning Commission meeting date after the written notice of appeal is delivered to the Code Enforcement Officer. Appeals of Planning Commission decisions may be made, in writing, to the City Council within thirty (30) days of the Planning Commission's decision; that appeal shall be heard by the City Council in accordance with its adopted rules.

Section 14.07.03. Permitted Uses

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

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

"CU" means that the listed use is conditionally permitted, subject to approval of the Planning Commission, pursuant to the conditional use procedures as set forth below in Section 14.03.06.

"SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.

"X" means that the use is prohibited.

COMMERCIAL DISTRICTS

Ordinance No. 2012-23, Ordinance No. 2007-13

PERMITTED USES	C-1	C-2	C-3
A. Commercial			
Amusement park, commercial	X	P	X
Antique store	P	P	CU
Appliance sales and service	P	P	X
Automotive accessory and supply store	P	P	X
Automotive and truck rental	CU	P	X
Automotive and truck sales (new and used) and service	CU	P	X
Automotive body shop	CU	P	X
Automotive car wash	P	P	X
Automotive service station, not including body or motor repair or painting	X	P	X
Bakery - retail sales	P	P	X
Bank, savings and loan, and other financial institutions	P	P	X
Barber or beauty shop	P	P	P
Barber and beauty equipment and specialties sales	P	P	CU
Bicycle rental, repair sale	P	P	CU
Boat and marine rental, repair, sales	X	P	X
Bowling alley	X	P	X
Building supplies, including sale of lumber	X	P	X
Carnival, circus or similar temporary amusement enterprise	X	CU	CU
Carting, crating, express hauling, moving or storage	X	P	X
Child Care Center, nursery, or kindergarten (including home based)	X	CU	CU
Clinic: dental, medical or osteopathic, chiroprapist, pharmacy	P	P	CU
Clothing store	P	P	X
Club or lodge	X	P	X
Cold storage plant	X	P	X
Consignment shops ["flea markets" conducting periodic, outdoor events or sales]	CU	P	X
Convenience food store	X	P	X
Department store	P	P	X
Drug store or pharmacy	P	P	CU
Dry cleaners	CU	P	X
Eating place, with interior dining facilities	P	P	X
Eating place providing service in automobiles	X	P	X
Establishment for care of alcoholic, drug or psychiatric patients	CU	CU	X
Farm equipment sales, service, repair	X	P	X
Feed and fertilizer sales	X	CU	X
Fireworks sales [subject to the requirements of Section 14.05.18.]	X	SP	X

PERMITTED USES	C-1	C-2	C-3
Floor covering sales, retail	P	P	X
Florist shop and greenhouse	CU	P	X
Freight depot, railroad or truck	X	P	X
Funeral home, mortuary or undertaking establishment	CU	P	X
Furniture and home furnishings repair	CU	P	X
Furniture and home furnishings, sales only	P	P	X
Garage or parking for commercial or public utility vehicles	CU	P	X
Gift, novelty store	P	P	CU
Golf driving range, commercial	X	CU	X
Grocery store	X	P	CU
Hardware store	CU	P	CU
Hospital	X	P	CU
Hotel	CU	P	X
Ice cream store	CU	P	CU
Ice vending establishment	X	P	CU
Interior decorating shop	P	P	X
Jewelry sales and repair	P	P	X
Kennel	X	P	X
Laundry pickup station only	P	P	CU
Laundry, self-service	CU	P	CU
Loan office	P	P	X
Locksmith, key shop	P	P	X
Mini-warehouse	X	P	X
Mobile home sales and service	X	P	X
Monument sales	X	P	X
Motel	X	P	X
Newspaper distribution station	X	P	CU
Newspaper offices, print shop	P	P	X
Nursery	CU	P	CU
Offices: medical, chiropractic, dental, optical, osteopathic	P	P	CU
Offices: professional and governmental, accounting, architecture, engineering, insurance, law, real estate and others of similar character	P	P	CU
Office equipment and supplies, retail sales, service, rental and repair	P	P	X
Paint and wallpaper store	P	P	X

PERMITTED USES	C-1	C-2	C-3
Pawn shop	P	P	X
Pet shop	X	P	X
Plumbing fixtures, sales and service	CU	P	X
Recreation or amusement center	CU	P	X
Recreational Vehicle Park	X	CU	X
School, commercial or trade	CU	P	X
Shoe sales and repair	P	P	X
Skating rink or roller rink	X	P	X
Sporting goods sales	P	P	X
Studio, photographic, musical	P	P	X
Theater, indoor	P	P	X
Variety store	CU	P	X
Veterinarian, animal clinic	X	CU	X
Warehousing, inside storage only	X	X	X
Warehousing, packaged products	X	X	X
Wholesale establishment	X	X	X
B. Manufacturing			
Advertising displays, sign printing	CU	CU	X
Jewelry, watch making	CU	CU	X
Tire recapping	X	CU	X
Welding shop	X	CU	X
C. Community Facilities and Public Utilities			
Art gallery or museum	P	CU	X
Auditorium, assembly	CU	CU	X
Church	SP	SP	SP
Communications, receiving, or transmitting facilities, including towers.	CU	CU	CU
Electrical or gas regulator station	CU	CU	CU
Golf course, including commercially operated driving range or miniature golf	X	CU	CU
Highway or street maintenance garage, yard or similar facility	X	CU	X

PERMITTED USES	C-1	C-2	C-3
Hospital, health center, institution for aged or children	X	P	X
Institution, non-residential	X	CU	X
Library	P	P	P
Post Office	CU	P	CU
Skating or roller rink	X	P	X
Stadium, arena or similar facility	X	CU	X
Telephone exchange, including garage, shop or service facilities	CU	CU	CU
Water filtration plant, pump station, elevated storage or reservoir	CU	CU	CU
D. Residential			
Apartments above or behind commercial space	CU	X	X
<i>Ordinance No. 2007-20</i>			
Condominiums	CU	CU	CU
Rooming or boarding houses	CU	CU	CU
Single-family Attached	CU	CU	CU
Single-Family Detached	CU	CU	CU
Townhouses	CU	CU	CU
Two-Family Dwellings	CU	CU	CU
Multiple-Family Dwellings	CU	CU	CU
E. Agricultural			
Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine or feeding or offal or garbage	X	X	X
Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening	X	CU	X
F. Others			
Temporary structures for construction and/or sales operations	SP	SP	SP
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	CU

Section 14/07.04 Lot, Yard and Height Requirements

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

Lot Requirements	C-1	C-2	C-3
Minimum lot area (sq. ft.)	None ^a	None ^a	None ^a
Minimum lot width at building line (feet)	25	None ^a	50
Maximum lot coverage (percent)	100	80	60
Yard Requirements (in feet)			
Minimum Front Yard	0	40 ^b	30
Minimum Rear Yard			
(a)when abutting property in a residential district	25	25	15
(b) when abutting property in a non-residential district	0	0	15
Minimum Side Yard			
Interior			
(a) when abutting property in residential district	15	25	15
(b) when abutting property in non-residential district	0	0	15
Exterior	0	25	15
Height Requirements			
Maximum number of feet	45	45	35
Maximum number of stories	3½	3½	2½

Notes: a. Where no minimum lot area or width is required, the lot shall be of sufficient size to allow its use and still meet the yard, parking and coverage requirements for the type of activity and the zoning district.

Section 14.07.05. Mini-Warehouses

Where permitted, mini-warehouses shall comply with the following additional requirements:

1. Mini-warehouses are intended for the use of private individuals and companies principally for the inactive storage of goods and materials and are not to be used as a commercial base of operation for a profit- motivated company or individual.
2. There shall not be any sales, either wholesale or retail, on the premises.
3. When the mini-warehouse is located adjacent to a residentially zoned property, the owner/ developer of the mini-warehouse shall install an opaque screen of not less than six feet (6') in height on any lot line or alley right-of-way adjacent to said residentially zoned property.
4. The owner/developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering, and vehicular access to the warehouse bays, consistent with the requirements of Section 14.10.02.
5. The owner of the mini-warehouse shall prohibit the storage of highly flammable or explosive liquids, solids, or gases in violation of any law, regulation or ordinance.

Ordinance No. 2017-09

6. Buildings located on properties zoned C-2 and used for Mini-Warehouses may have an attached or detached unit

for residential use when all regulations are complied with. A conditional use permit must be obtained from the Beebe Planning and Zoning Commission pursuant to the procedures outlined in the Beebe Codes of Ordinances prior to any unit being used as a residence. Any approval by the Commission should be on a case-by-case basis and shall take into account that this Ordinance has been enacted so that Mini-Warehouse owners may more effectively protect their property and their clients' personal property. Requirements for units to be used for residential use:

- a) The unit must comply with requirements of state fire code.
- b) Adequate parking for tenants must be provided.
- c) Sidewalks shall not be used in any use for residential purposes and no objects, outside of ornamental benches shall be placed on the sidewalks.
- d) Residential use is restricted to adults (over the age of 18) only, with no more than two (2) residents per unit.
- e) There shall be no objects placed outside or within front windows to reflect residential use, outside of window blinds/shades.
- f) Every effort must be made to preserve the appearance of commercial district use. There shall be no loud noises, music, or any nuisance or annoying sounds permitted.
- g) There shall be no dogs allowed that weigh over thirty-five (35) pounds. Other pets are allowed.
- h) Any occupancy permit must be obtained for the residential unit.
- i) A residential unit shall have brick and/or rock facing on each exterior wall that faces a City street or private drive.

Section 14.07.06. Outdoor Storage and Waste Disposal

The following shall apply uniformly to all of the commercial zoning districts:

1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above-ground. Tanks and drums that fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
2. All outdoor storage facilities of fuel, raw materials, and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent properties or streets.
3. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in enclosed containers.

Section 14.07.07. Limitations on External Effects and Uses

Every use, unless expressly exempted by these regulations, shall be so operated and maintained that it will not generate obnoxious amounts of sound, vibration, heat, glare, radiation, smoke, odors, or fumes.

Ordinance No. 2021-25

Section 14.07.08.A. Residential Uses of Properties in the C-1 Central Business District.

Buildings on properties zoned C-1 Central Business District may be used for residential purposes when (1) in compliance with all applicable Zoning Regulations and (2) a Special Use Permit is issued by the Code Enforcement officer prior to the building being used for residential purposes.

Additional requirements for residential use of buildings located in C-1 zoned properties are as follows:

1. Building must comply with requirements of the Arkansas Fire Prevention Code.
2. Adequate parking must be provided for all residents

In addition to the requirements set out above, the restrictions for residential use of buildings located on C-1 zoned properties are as follows:

1. Sidewalks shall not be used for residential purposes and no objects, with the exception of ornamental benches, shall be placed on the sidewalks.
2. A building may not be used for a daycare
3. Residential use is restricted to adults (over the age of 18) only, with no more than (2) residents per unit.
4. There shall be no objects, with the exception, of window dressings (i.e., blinds/ shades), placed outside or within front windows to reflect residential use.
5. Every effort must be made to preserve the appearance of commercial district use. No loud noise, music, or any other nuisance is permitted.
6. No pets are allowed.

There shall be no grandfather uses permitted by owners or residents whose properties are allowed this special use of C-1 zoned properties by the Code Enforcement officer.

14.07.08.B Residential uses of Properties Zoned C-3.

Buildings on properties zoned C-3 Neighborhood and Quiet Business District may be used for residential purposes when (1) in compliance with all applicable Zoning Regulations and (2) a special use permit is issued by the Code Enforcement officer prior to the building being used for residential purposes.

Additional requirements for residential use of buildings located on C-3 zoned properties are as follows:

1. The building must comply with requirements of the Arkansas Fire Prevention Code.
2. Adequate parking must be provided for all residents.

In addition to the requirements set out above, the restrictions for residential use of buildings located on C-3 zoned properties are as follows:

1. Sidewalks shall not be used for residential purposes and no objects, with the exceptions of ornamental benches, shall be placed on the sidewalks.
2. A building may not be used for a daycare.
3. Any business operating out of a building on a C-3 zoned property shall be “owner occupied”, which means a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means and actually resides at the site for more than (6) months out of any given year, and at no time receives rent for the owner occupied unit.
4. In addition to its commercial use, any building shall be used only as a single family residence.
5. There shall be no objects, with the exception of window dressings (i.e., blinds/ shades) placed outside or within front windows to reflect residential use.
6. Every effort must be made to preserve the appearance of commercial district use. No loud noise, music, or any other nuisance is permitted.

There shall be no grandfather uses permitted by owners whose properties are allowed this special use by the code Enforcement officer

This section may be amended at any time as deemed necessary by the Beebe planning commission upon approval of city council.

CHAPTER 14.08

INDUSTRIAL DISTRICTS

Sections:

- 14.08.01 General Purposes
- 14.08.02 Purpose of Each District
- 14.08.03 Permitted Uses
- 14.08.04 Lot, Yard and Height Requirements
- 14.08.05 Performance Standards

Section 14.08.01. General Purpose

The industrial zoning districts are intended to provide for the development of light industrial uses and their related facilities. Appropriate standards for the various districts are designed to assure compatibility with other similar uses and to ameliorate any conflicts with non-industrial uses located in close proximity to the industrial use. The regulations hereby establish one industrial zoning district.

Section 14.08.02. Purpose of Each District

a. Light Industrial (I-1)

As this industrial district is often located in proximity to residential districts, its principal purpose is to permit the operation of industries, trades, and services that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Thus, it is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesaling, distribution, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

Section 14.08.03. Permitted Uses

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

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

"CU" means that the listed use is permitted subject to approval as a conditional use as set forth below in Section 14.03.06.

"SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.

"X" means that the use is prohibited.

PERMITTED USES	I-1
A. Manufacturing	
Agricultural Products Processing	CU
Bulk Storage of Highly Flammable Materials	X
Cabinet or Woodworking Shop	P
Clothing Manufacturing	P
Contractor or Maintenance Yard	P
Foundry and Metal Works	CU
Grain Elevator or Feed Mill	CU
Hauling and Storage Company	P
Industrial Cleaning Plant	CU
Job Printing, Lithographer, Printing or Blueprinting Plant	P
Junk or Salvage Yard	CU
Laboratory Manufacturing	P
Light Fabrication and Assembly Process	P
Lumber Yard	P
Machine or Welding Shop	P
Motor Freight Terminal	P
Railroad Freight Terminal	CU
Recycling and Reclamation	CU
Sand, Gravel or Earth Sales and Storage	P
Sanitary Landfill	CU
Stable, Commercial	CU
Stone, Sand or Gravel Extraction	X
Tanning or Rendering of Animals	X
Warehousing and Wholesaling	CU
Wood Products Manufacturing	CU
B. Commercial	
Animal Pound or Kennel	CU
Appliance Repair	P
Auto Auction	P
Auto Glass Muffler Shop	P
Auto Paint or Body Rebuilding Shop	P
Auto Repair Garage	P
Automobile Wrecking and Junk Yards	CU
Building Material Sales (Open)	P
Bus or Truck Storage or Garage	P
Communications, receiving, or transmitting facilities, including towers.	P

PERMITTED USES	I-1
Fireworks sales [subject to the requirements of Section 14.05.18.]	SP
Furniture Repair Store	P
Home Center	X
Laboratory	CU
Machinery Sales and Service	CU
Mini-Warehouse	CU
Parking (Commercial Lot or Garage)	P
Plumbing, Electrical, Heating or Air Conditioning Shop	P
Racetrack	CU

C. Community Facilities and Public Utilities

Airport or Landing Field	CU
Animal Hospital	CU
Water/Sewage Treatment Plant	P

E. Other

Temporary structures for construction and/or sales operations	SP
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU
Non-conforming uses approved by the Board of Zoning Adjustment	SP

Section 14.08.04. Lot, Yard and Height Requirements

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

Lot Requirements	I-1
Minimum lot area (sq. ft.)	7,200
Minimum lot width at building line (feet)	60
Maximum lot coverage (percent)	75
Yard Requirements (in feet)	
Minimum Front Yard	30 ^a
Minimum Rear Yard	15
Minimum Side Yard	
Interior	
(a) When abutting property in residential district	25
(b) When abutting property in nonresidential district	5
Exterior	25
Height Requirements	
Maximum number of feet	45
Maximum number of stories	3½

- Notes:
- a. All required yards shall be sodded and planted or maintained in a manner compatible with the character of the nearby residential district. Side yards shall not be utilized for storage, parking or for any other use except as unobstructed open space. Driveways providing ingress and egress for the lot are permitted across the required yards.
 - b. Telecommunications towers are subject to the requirements of Section 14.05.16. Community facilities, when permitted, are subject to the requirements of Section 14.05.09.

Section 14.08.05. Performance Standards

Any industrial use established in the City of Beebe after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

a. Physical appearance.

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles, equipments shall be suitably screened by a fence at least six feet (6') in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

b. Flammable or explosive materials.

- A. Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant federal regulations..
- B. All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

c. Noise.

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. For the purposes of these regulations, the emission of any sound inherently and recurrently generated which exceeds seventy (70) decibels at any boundary line on the lot on which such sound is generated, is considered obnoxious. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be uses and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.

d.. Sewage and Liquid Waste.

- A. No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Pollution Control and Ecology.
- B. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

e. Air Contaminants.

All air contaminants, smoke and particulate emitted into the air by whatever means shall conform to the Arkansas Air Pollution Control Code, as amended.

f. Odor.

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

g. Gases.

Gas concentrations in the air shall conform to the Arkansas Air Pollution Control Code, as amended.

h. Vibration.

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

i. Glare and Heat.

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

CHAPTER 14.09

PLANNED DEVELOPMENT DISTRICT

Sections:

14.09.01	Purpose and Intent
14.09.02	Permitted Uses
14.09.03	Site Requirements
14.09.04	Design Requirements
14.09.05	Phased Development
14.09.06	Conformance with other Regulations
14.09.07	Site Plan Required
14.09.08	Legal Instruments
14.09.09	Procedures

Section 14.09.01. Purpose and Intent

A. It is the intent of this Article to:

1. Allow greater flexibility with respect to development standards and site planning considerations, resulting in superior development or redevelopment than would ordinarily be possible under the strict application of these regulations; and,
2. Provide more usable and suitably located open space, recreation areas, and other common facilities than would otherwise be required or possible under conventional land use regulation; and,
3. Encourage comprehensive and innovative planning and design of diversified yet harmonious developments; and,
4. Provide more efficient and economic arrangement of varied land uses and public facilities and services needed to support them; and,
5. Allow for mixed use development when such design contributes to the furtherance of public development goals and enhances the quality of surrounding land uses.

It is further the intent of this Article to assure that Planned Developments are not approved for the sole benefit of the applicant, but are used to establish developments that:

1. Are compatible with the surrounding area;
 2. Are harmonious with the character of the neighborhood;
 3. Do not have a negative effect upon the future development of the area; and,
 4. Create a desirable and stable environment.
- B. This district is to be utilized as a “floating zone” which shall mean that areas will not be pre-designated as planned development districts (PDD) but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this Article, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.
- C. All further development on the property shall conform to the standards adopted for the site, regardless of any change in ownership. Any proposed changes to the approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth at Section 14.03.05.

Section 14.09.02. Permitted Uses

a. Primary Uses

Residential developments of all types, regardless of the type of building in which such residence is located; single-family, two-family, townhouses, apartments, condominiums, row houses, etc., provided that all residences are intended for permanent occupancy by their owners or tenants. This specifically excludes residences of a transient nature, such as hotels, motels, travel and mobile trailer parks, and mobile home parks.

b. Permitted Accessory Uses

Uses specifically designed to meet the needs of the residents of the PDD, such as schools, day care facilities, churches, recreation facilities of a non-commercial nature, and any other structures or uses, including commercial uses which primarily serve residents of the PDD, deemed appropriate by the Commission and not detrimental to the character of the PDD and zoning district in which the PDD is located.

Section 14.09.03 Site Requirements

Acreage Minimum	Three (3) acres, under single ownership
Access	All access points or driveways to the property shall be reviewed and approved by the Commission.
Maximum Lot Coverage	Fifty percent (50%) in the aggregate.

Section 14.09.04 Design Requirements

a. Required Open Space

There shall be not less than seven hundred fifty (750) square feet of unobstructed open space for dwelling unit in the PDD. The required open space may be concentrated in a portion of the site or may be spread throughout the site. Not more than one-half (1/2) of required open space may be devoted to the required off-street parking. Such open space shall be designed and located in such a manner as to provide an appropriate mix of natural vegetation (trees, shrubs and other plants) and passive and/or active recreation easily accessible to residents of the PDD.

Provision shall be made for the maintenance and upkeep of all open space areas.

b. Lot Requirements

The minimum lot size and setback provisions of other sections of these regulations are waived in the PDD, subject to the following conditions:

1. When zero lot line setbacks are proposed along the side yards of interior lots for detached dwellings, the site plan and proposed layout must show a uniform separation between the proposed residential structures.
2. Zero lot line setbacks on interior lots are allowed for attached dwellings, provided that there may not be more than eight (8) such attached dwellings in a single building.

c. Relationship to Adjacent Areas

The design of the PDD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize the undesirable impact of the PUD on adjacent properties and, conversely, to minimize the undesirable impacts of adjacent land uses and development characteristics on the PUD.

The setback from the external property line of the PDD shall be:

1. Comparable to or compatible with those of the zoning district in which the PDD is located; or,

2. Comparable or compatible with those of the existing development of adjacent properties; or,
3. If adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties, given the existing zoning of such properties.

d. Off-Street Parking

1. Off-street parking shall be provided in a PDD in the same ratios for types of buildings and uses as are required in Chapter 14.10 of these regulations.

Section 14.09.05 Phased Development

While this Article encourages submission of comprehensively planned development proposals, a preliminary plan need not cover the entire property to be ultimately developed. Applicants may choose to submit staged development plan, incorporating incremental plans for certain areas of the entire proposed development.

No structure or use designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to construction of not less than fifty percent (50%) of the dwelling units proposed in the plan.

Section 14.09.06 Conformance with other Regulations

The PUD shall comply with the requirements of the Subdivision Regulations of the City of Beebe for provision of public improvements, such as, but not limited to, streets, drainage, water, and sewer.

Section 14.09.07 Site Plan Required

A suitable plan shall be prepared for the development and this plan shall include the following elements where applicable:

- A. A plot plan drawn to scale by a registered engineer, architect or landscape architect showing:
 - 1 the exact dimensions of the site;
 - 2 platting and street systems, including proposed reservations or dedications for streets;
 - 3 proposed building sites;
 - 4 types of use proposed for buildings, and proposed height and size of buildings;
 - 5 plans for protection of abutting properties, including proposed screening and landscaping;
 - 6 means of ingress and egress;
 - 7 access and circulation arrangements;
 - 8 off-street parking and loading facilities;
 - 9 proposed easements and public facility requirements;
 - 10 proposed setbacks from property lines;
 - 11 development schedule, including major improvement and construction milestones; and,
 - 12 if requested, a contour map of the site.
- B. The plan shall give the name of the developers and of the development, a north arrow and scale.
- C. If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, drainage, utilities or other improvements, a proposed lot and street layout shall be submitted as part of the application. Any variation from the standards set forth in the subdivision regulations shall be listed and explained. If the plan is approved, a preliminary plat and final plat shall be submitted as provided by the subdivision regulations.
- D. Existing land uses within 200 hundred feet (200') of the boundary of the development.

- E. Such legal instruments as are appropriate or required by Section 14.09.08 herein, or by application of the Beebe Subdivision Regulations.

Section 14.09.08. Legal Instruments

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, building, lighting, security measures and similar common elements in a development. The City encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement districts, contracts and covenants. All legal instruments setting forth the plan or manner of permanent care and maintenance of such open space, recreational areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed uses. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the application.

Section 14.09.09. Procedures

The following procedures for application, public hearing, submission, review Planning Commission and City Council action shall apply:

1. The owner/applicant/developer shall submit a written application to the City on such form or forms as may be required, including submission of the plan required at Section 14.09.07.
2. The owner/applicant/developer shall pay an application fee to the City in the amount of fifty dollars (\$50.00) at the time of the application, and none of this fee is returnable under any circumstances.
3. A notice of public hearing shall be published in the same manner as prescribed in Section 14.03.05.; and the Planning Commission shall conduct the public hearing to review the planned development district proposal.
4. The provisions of Section 14.03.05., with regard to written notification of surrounding property owners and the placement of a sign in a conspicuous place on the site, are applicable to planned development district proposals.
5. After conducting the public hearing, the Planning Commission may recommend approval or deny the planned design proposal.
 - a. If the Planning Commission recommends approval, it shall notify the City Council in writing, indicating the reasons and justification for such recommendation.
 - b. If the Planning Commission should deny the proposal, the owner/applicant/developer may appeal the Planning Commission's decision to the City Council, subject to the requirements and limitations of Section 14.03.05.
6. The City Council, by majority vote, may:
 - a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 - b. return the proposed change to the Commission for further study and recommendation; or,
 - c. deny the recommended amendment.

The City Council may not consider any application that has been modified by the applicant not explicitly in conformance with formal Planning Commission approval.

CHAPTER 14.10

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

- 14.10.01 Off-Street Parking and Requirements
- 14.10.02 Off-Street Loading and Unloading Requirements
- 14.10.03 Other Requirements

Section 14.10.01. Off-Street Parking and Requirements

a. Minimum Standards

Ordinance No. 2020-11

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements. All parking spaces in all districts shall be hard surface. A minimum of four (4) inches of reinforced concrete or two (2) inches of street-grade compacted asphalt (hot mix) shall be required.

- | | |
|--|--|
| 1. Dwelling | Two (2) parking spaces for each dwelling unit. |
| 2. Boarding or Rooming House | One (1) parking space for each rentable sleeping room, plus one (1) hotel or motel parking space per each employee on the largest shift. |
| 3. Medical or Dental Clinics or Offices and Hospitals | Four (4) spaces per doctor plus two (2) spaces for each three (3) employees in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time. |
| 4. Sanatoriums, Convalescent, or Nursing Homes | One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time. |
| 5. Community Center, Theater, Auditorium | One (1) parking space for each four (4) seats based on maximum seating capacity. |
| 6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation | One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building. |
| 7. Retail Shops | One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales. |
| 8. Office Building | One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area. |
| 9. Commercial Establishment Not Otherwise Classified | One (1) parking space for each four hundred (400) square feet of floor space in the building. |
| 10. Industrial Establishments | Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time. |
| 11. Church Sanctuary | One (1) parking space for each three (3) seats based on maximum seating |

capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

12. All Others

For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

b. Application of Standards

In applying the standards set forth above, the following shall apply:

1. All parking design shall comply with the accessibility requirements of the Americans with Disabilities Act.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in Section 14.10.01., paragraph 11. above.
3. Where a fractional space results, such fraction shall be counted as one (1) parking space.
4. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
5. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
6. Where parking is to be provided in the front yard of a multiple-family dwelling, the first ten (10) feet adjacent to the street right-of-way line shall not be used for parking but rather shall be prepared and planted with grass, shrubs, trees, or ground cover.
7. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as specified in Section 14.10.01, paragraph 11. above.
8. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
9. The standards may be waived or modified by the Board of Adjustment, subject to the limitations and procedures specified at Section 14.12.03, except that the Board of Adjustment may not permit any waivers that would violate the standards of the Americans with Disabilities Act.

Section 14.10.02. Off-Street Loading and Unloading Requirements

The following requirements shall apply to off-street loading and unloading facilities:

1. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.
2. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space, plus one (1) space for each forty thousand (40,000) square feet of floor area In excess of ten thousand (10,000) square feet of gross floor area.
3. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

Section 14.10.03. Other Requirements

a. Paved Surface Required

The owner/ developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access to warehouse bays; and all other areas shall be improved with grass, ground cover and/or landscaping. The required pavement shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

b. Driveways

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in the C-2 and 1-1 zones.

c. Buffer

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet (5') nor more than seven feet (7'). Such fence or wall shall be maintained in good condition.

d. Size

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine feet (9') by twenty feet (20') plus adequate area for ingress and egress.

CHAPTER 14.11

NON-CONFORMING STRUCTURES AND USES

Sections:

- 14.11.01 Nonconformities Generally
- 14.11.02 Nonconforming Use of Land
- 14.11.03 Nonconforming Structure
- 14.11.04 Nonconforming Use of Structure

Section 14.11.01. Nonconformities Generally

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Any nonconforming use, structure, or use of structure which legally existed prior to the effective date of these regulations or any use, structure or use of structure which has been rendered nonconforming by the provisions of these regulations may continue to be utilized in the same fashion as existed prior to the adoption of these regulations in conformity with the following provisions.

Section 14.11.02. Nonconforming Use of Land

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied and so used on the effective date of adoption of these regulations. The same shall apply with regard to any amendment of these regulations which shall make the use nonconforming; it shall not be enlarged or increased nor extended to occupy a greater area of land than occupied on the effective date of such amendment.
2. If no structural alterations are made, a nonconforming use of the land may be changed to another nonconforming use of the same or more restrictive classification. In no such case, however, shall such use of the land be transferred to a more intensive nonconforming use. For example, a nonconforming commercial use shall not be changed to an industrial nonconforming use, nor a nonconforming residential to a nonconforming commercial - such a change would be more intensive.
3. When a nonconforming use has been discontinued or abandoned, and its appearance does not depict an on-going use; and, further, if said discontinuation or abandonment exists for a period of more than six (6) months such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located.

Section 14.11.03. Nonconforming Structure

Where a lawful structure exists on the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restriction on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

1. Upon approval of the Board of Adjustment, such structure may be remodeled or repaired to maintain the premises in a safe and usable condition.
2. In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage or destruction, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located. When such damage or destruction is less than fifty percent (50%) of the reasonable replacement value of the structure immediately prior to such damage, the structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction; provided that no such repair or reconstruction is commenced and completed within six (6) months of the date of such damage and destruction. If the damaged structure sits idle for six (6) months, it may not be restored; and the owner shall demolish it and clear the site.
3. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the requirements of the zoning district in which such structure is located after being relocated.
4. A nonconforming structure upon the approval of the Board of Adjustment may be added to and/or enlarged if said addition or enlargement meets the area requirements of the zoning district in which the structure is located, provided said use of structure is then in conformance with these regulations.

Ordinance No. 2012-02

5. A nonconforming residential structure, upon issuance of appropriate permits, may be added to and enlarged if such action does not create any further non-conforming effect or element.
6. A mobile home lawfully placed prior to annexation or adoption of these regulations shall be a nonconforming use. A nonconforming mobile home, when removed, shall not be returned or replaced by another mobile home, except that a mobile home may be replaced within a nonconforming mobile home park.

Section 14.11.04. Nonconforming Use of Structure

If a lawful use of a structure or of structure and premises in combination exists on the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, said lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted in these regulations in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any of the site outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use and that it is of not greater intensity.
4. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
5. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the requirements of the district in which it is located.

CHAPTER 14.12

BOARD OF ZONING ADJUSTMENT

Sections:

- 14.12.01 Creation and Appointment
- 14.12.02 Organization
- 14.12.03 Powers and Duties
- 14.12.04 Procedure for Appeals

Section 14.12.01. Creation and Appointment

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of the members of the Planning Commission. The term of office shall run concurrently with the term on the Planning Commission.

Section 14.12.02. Organization

a. Officers

A Chairman, a Vice Chairman and a Secretary shall be elected annually by the Board from among its membership. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings, shall decide all points of procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Secretary shall maintain the official records of minutes and actions of the Board.

b. Rules and Meetings

The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations.

1. Meetings of the Board shall be held at such time and at such place within the City as the Board may designate and may meet at any time on call of the Chairman.
2. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a. Time, date and place of meeting.
 - b. Names of members present.
 - c. Citation, by number and description, of appeal or application.
 - d. Pertinent facts of the case.
 - e. Names of persons appearing and their interest in the case.
 - f. Record of vote by name.
 - g. Authority for decision (cite ordinance or statute) and reason for conditions imposed.
3. The minutes of the meeting shall be filed by the Secretary of the Board in the office of the City Clerk and shall be public record.
4. The presence of four (4) members of the Board shall constitute a quorum. The concurring vote of four (4) Board members shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the regulations, or to authorize a variance from the requirements of these regulations.
5. The Secretary of the Board shall notify each member of the Board of a scheduled or called meeting in advance of

the meeting.

Section 14.12.03. Powers and Duties

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

a. Administrative Review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of these regulations. The Board may affirm or reverse, in whole or in part, said decision of the Enforcement Officer.

b. Variances

- A. The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless and until:
 1. The applicant demonstrates that special conditions and circumstances exist, which:
 - (a.) are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district such that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; and,
 - (b.) are not result from the actions of the applicant.
 2. The Board finds that granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.
- B. The existence of a nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.
- C. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
- D. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.
- F. Under no circumstances shall the Board grant a variance to allow a land use not permissible under the terms of these regulation in the district involved, or any land use expressly or by implication prohibited by the terms of these regulations in said district.

c. Special Exemptions

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

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of these regulations.
2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of such districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
3. Vary the parking requirements by not more than fifty percent (50%) where it is conclusively shown that the

specific use of a building would make unnecessary the parking spaces otherwise required by these regulations. In requesting such a waiver or exemption, the applicant shall provide a parking plan which specifies:

- a. the expected number of employees, both on average and the maximum at any given time; and,
- b. the expected number of customers likely to require parking, both on average and during periods of peak demand; and,
- c. the manner in which the parking requirements of both employees and customers will be met.

In considering the merits of the request, the Board shall consider the impacts on adjacent and near-by businesses or uses, as well as traffic circulation and safety. The Board may waive or otherwise modify all requirements for any use within the Central Business District Zoning District (C-1) when it can be conclusively shown that the parking requirements for employees and customers can be adequately met.

4. Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted (less intense) zoning classification as the original nonconforming use.

Section 14.12.04. Procedure for Appeals

a. Application

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the Enforcement Officer. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten (10) days after the decision has been rendered by the Enforcement Officer and at least seven (7) days prior to the Board's next meeting.

b. Public Hearing and Notice

The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear in person, by agent, or by attorney.

c. Effect of Appeal

An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

d. Time Limit on Permits

No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than sixty (60) days unless such use is established or the erection or alteration is started within such period.

e. Fee

The fee for any appeal or application to the Board shall be Twenty-five Dollars (\$25.00), no part of which shall be refundable.

f. Appeals from Board of Adjustment

Any decision of the Board of Zoning Adjustment shall be final, subject only to review by a court of competent jurisdiction.

CHAPTER 14.13

VALIDITY AND REPEAL

Sections:

- 14.13.01 Validity
- 14.13.02 Repeal

Section 14.13.01. Validity

These regulations and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these regulations shall, not be affected thereby.

The City Council of the City of Beebe hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

Section 14.13.02. Repeal

All ordinances or parts of ordinances in conflict with these regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effect upon its adoption by ordinance of the City Council of the City of Beebe, Arkansas.