

## Title 14 - ZONING ORDINANCE - CONTENTS

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## Chapter 14.04

### Preamble

#### Sections:

- 14.04.01 Title
- 14.04.02 Authority
- 14.04.03 Purpose
- 14.04.04 Jurisdiction
- 14.04.05 Nature and Application

14.04.01 Title. This ordinance shall be entitled: Zoning Ordinance of the City of Jonesboro, Arkansas. It may be cited as the Zoning Ordinance, and consists of the text, which follows; as well as the zoning district boundary map, entitled Official Zoning Map of the City of Jonesboro, Arkansas, which is on file in the Office of the City Clerk. The provisions hereof shall be codified as Title 14 of the Jonesboro Municipal Code.

14.04.02 Authority. These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated.

All membership in the various Boards and Commissions having authority hereunder, acting prior to the effective date of the Ordinance, shall remain in office and serve the remainder of their respective terms.

14.04.03 Purpose. The zoning regulations set forth herein are enacted to aid in the implementation of the land use portion of the comprehensive plan for the City of Jonesboro, and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Jonesboro. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.

14.04.04 Jurisdiction. The provisions of the Ordinance shall apply to all land, buildings and structures within the corporate limits of Jonesboro as they now, or may hereafter exist.

#### 14.04.05 Nature and Application.

- (a) For the purposes stated above, 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. In their interpretation and application, the provisions of the Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the City shall not be responsible for enforcing deed restrictions or covenants.

(b) No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of the Ordinance.

(c) No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located.

(d) No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.

(e) Dedication to public use of land shall not be a condition for any zoning or conditional use approval.

(f) All structures constructed or occupied in conformance with this Ordinance shall also conform to all other codes and regulations of the City.

(g) The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.

## Chapter 14.08

### Rules of Construction and Definitions

#### Sections:

14.08.01 Rules of Construction

14.08.02 Definitions of Terms and Uses

14.08.01 Rules of Construction. For the purpose of this Ordinance, the following rules of construction shall apply:

- (a) Words, phrases, and terms defined herein shall be given the defined meaning.
- (b) Words, phrases, and terms not defined herein but in the building code of the city shall be construed as defined in such code.
- (c) Words, phrases, and terms neither defined herein nor in the building code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (d) In case of any difference of meaning or implication between the text and any heading, drawing, table or figure, the text shall control.
- (e) The particular shall control the general.
- (f) The word shall is always mandatory and not discretionary. The word may is permissive and not mandatory.
- (g) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (h) Words used in the singular include the plural and words used in the plural include the singular.
- (i) The words building and structure are synonymous and include any part thereof.
- (j) The word person includes individuals, firms, corporations, associations and any other similar entities.
- (k) The words lot, parcel, site, tract, or other unit of ownership are synonymous and may be used interchangeably.
- (l) The word used shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

(m) All public officials, bodies, and agencies to which reference is made are those of the City of Jonesboro, unless otherwise indicated.

(n) Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise expressly stated.

(o) Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

(p) Unless the context clearly suggests the contrary, the conjunction *and* indicates that all connected items, conditions, provisions or events shall apply, and the conjunction *or* indicates that one or more of the connected items, conditions, provisions or events shall apply.

14.08.02 Definitions of Terms and Uses. This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use Retail/Service, for example, does not include the more specific use Convenience Store.

*Access easement:* A right-of-way or parcel of land specified or set aside as the way or means by which a piece of property is approached or entered, given by the owner of land to another party.

*Accessory Structure or Use:* shall mean a building or use that is incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served. Shall include the following: garages, barns, carports and off-street parking and loading areas; guard houses, pool houses, accessory dwellings, playhouses, separate decks, gazebos, household storage buildings, radio and television receiving antennas, swimming pools, recreational and play courts or facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot. (*Revised: ORD-07:45, February 6, 2007*).

*Accessory Dwelling Unit:* shall mean a separate living quarters within or adjacent to a single family residence for the exclusive independent occupancy of no more than 2 persons who are related by blood, marriage, adoption or other legal relationship to the owner of the residence. The dwelling unit space shall contain no more than 3 habitable rooms such as living, sleeping or sitting activities in addition to bath and kitchen spaces. The dwelling unit space shall be accessible only from within the main quarters and not have a separate exterior entrance. (*Revised: ORD-07:45, February 6, 2007*).

*Adult entertainment:* Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.

*Agriculture, crop:* The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

*Agriculture, animal:* The use of any land for the purpose of raising livestock. (See Chapter 6 of the Jonesboro Municipal Code.

*Agriculture, product sales:* The retail sale of agricultural products produced on the same site.

*Airport or airstrip:* Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Airport elevation:* Two hundred fifty-eight feet above mean sea level (258' MSL).

*Alley:* A narrow public way, not in excess of twenty (20') feet, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.

*Animal care, general:* A use providing animal care, veterinary services or boarding.

*Animal care, limited:* A use providing small animal (household pets) boarding or veterinary services with no outside animal runs.

*Apartment:* A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three or more dwelling units are considered apartments.

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

*As-built drawing:* A document showing how a particular building and/or site has been constructed.

*Asphalt or concrete plant:* An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

*Auditorium or stadium:* An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.

*Auto wrecking or salvage yard:* A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition, or for the sale of parts there-from; or for the collecting, storage, and salvage of waste

paper, scrap metal, or other discard material.

*Bank or financial institution:* Establishments engaged in deposit banking; typically, commercial banks, savings and loans, and credit unions.

*Basic industry:* The first operation or operations which transform a material from its raw state to a form suitable for fabrication.

*Bed and breakfast:* The use of an owner-occupied or manager-occupied residential structure to provide temporary lodging, or lodging and meals, with no more than twelve (12) guest rooms.

*Building:* Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

*Building coverage:* The land area covered by all buildings on a lot, excluding eaves.

*Building height:* The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line.

*Building lines:* The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements and beyond which the vertical wall of a building or structure shall not be located closer to said lot lines.

*Building, principal:* A building in which is conducted the principal use of the plot on which it is situated. In any residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.

*Carport:* Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

*Cemetery:* Land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.

*Certificate of occupancy:* Permission to occupy a building and/or property.

*Church:* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained and controlled by a religious body organized to sustain public worship.

*Club or lodge:* An association of persons for the promotion of some nonprofit common purpose, such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

*College or university:* An institution of higher education offering undergraduate or graduate degrees.

*Comprehensive plan:* The Jonesboro, Arkansas, Comprehensive Plan.

*Conical surface:* A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance for four thousand (4000') feet.

*Construction sales and service:* An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

*Convenience store:* An establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.

*Country club:* A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, club houses, locker rooms, and pro shops.

*Day care, general (day care center):* A commercial establishment where adult day care services are provided, or where child day care services are provided for more than eight (8) children; with both such services to be provided pursuant to State laws and fire codes, and in accordance with and licensed by appropriate State agencies.

*Day care, limited (day care family home):* A home where day care services are provided to a maximum of eight (8) children, with a maximum of two (2) adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both State and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four (4) children shall not be subject to provisions of this ordinance.

*Density:* Density shall mean the quotient of the total number of dwelling units as divided by total area of the site. Gross density shall be the total number of dwelling units as divided by the gross area of a site (including public right-of way, easements, etc.). Net density shall be the total number of dwelling units divided by the gross area of the site minus any land used for easements and/or rights-of-way. (18% shall be the reduction). (*Revised: ORD-07:45, February 6, 2007*).

*Detached structure:* A structure having no party or common wall with another structure except an accessory structure.

*Development:* The act of changing the state of a tract of land after its function has been purposefully changed by man, including, but not limited to, structures on the land and alterations to the land.

*Development or site plan:* A dimensioned presentation of the proposed development of a specified parcel of land which reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

*District, zoning:* Any portion or section of the city within which uniform zoning regulations apply.

*Drive-in establishments:* A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

*Dwelling:* A building or portion thereof which is designed or used as living quarters for one or more families; but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

*Dwelling, attached:* A dwelling which is joined to another dwelling at one (1) or more sides by a wall or walls.

*Dwelling, detached:* A dwelling which is entirely surrounded by open space on the same lot.

*Dwelling, multi-family:* A dwelling designed for or occupied by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

*Dwelling, single-family:* A dwelling designed for or occupied by one family only, and being on a permanent foundation.

*Dwelling, two-family (duplex):* A dwelling designed for or occupied by not more than two (2) families living independently of each other.

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

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

*Dwelling unit:* A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sanitation, sleeping, and cooking.

*Efficiency unit:* A dwelling unit that contains living, sanitation, sleeping, and cooking facilities, but not a separate bedroom for sleeping, for not more than two (2) adults.

*Emergency housing unit:* A manufactured housing unit or residential-design manufactured housing unit that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.

*Family:* One or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family.

*Farm:* A parcel of land used for growing or raising of agricultural products including related structures thereon.

*Fence:* A barrier constructed to provide privacy or visual separation between one ownership and another.

*Floodplain regulations:* Provisions of the City of Jonesboro, Flood Damage Prevention Ordinance.

*Floor area:* The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) buildings.

*Freight terminal:* A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

*Frontage:* That edge of a lot bordering a street.

*Garage, private:* An accessory building or a part of a main building used for storage purposes only for automobiles, vans, pick-up trucks and the like, used solely by the occupants and their guests of the building to which it is accessory.

*Golf course:* A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

*Government services:* Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

*Greenhouse or nursery:* An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

*Group residential:* The use of a site for occupancy by groups of more than five (5) persons, not defined as a family. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses.

*Hazardous waste:* Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused or reclaimed, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.

*Hazard to air navigation:* An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Home occupation:* Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

*Horizontal surface:* A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in-plane coincides with the perimeter of the horizontal zone.

*Hospital:* An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and research facilities, central service facilities, pharmacies, and staff offices which are an integral part of the facilities.

*Hotel or motel:* An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

*Kennel:* The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five (5) dogs and cats. The word selling as herein used shall not be construed to include the sale of animals three (3) months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over three (3) months old by persons not operating a kennel as herein described.

*Larger than utility runway:* A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet powered aircraft.

*Library:* A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

*Loft apartment:* One or more dwelling units located on the upper floor(s) of a building utilized principally for commercial or office purposes.

*Lot:* Land occupied or intended for occupancy by a use permitted in this ordinance including one main building together with its accessory building, and the open spaces and parking spaces

required herein, and having its principal frontage upon a street.

*Lot, area:* The total horizontal area of a lot lying within the lot lines.

*Lot, corner:* A lot abutting two (2) or more streets at their intersection.

*Lot, double frontage:* A lot which is an interior lot extending from one street to another and abutting a street on two (2) ends.

*Lot, interior:* Any lot which is not a corner lot.

*Lot lines:* The boundary lines of a lot.

*Lot line, front:* In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

*Lot line, rear:* The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

*Lot line, side:* Any lot line other than a front or rear lot line as defined herein.

*Lot of record:* A lot which is a part of a subdivision, the map of which has been recorded in the office of the Craighead County Circuit Court Clerk.

*Lot width:* The width of a lot measured at the front building setback line.

*Manufactured housing unit:* A detached single-family housing unit fabricated in an off-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. For purposes of these regulations, the term manufactured housing unit, when used by itself, shall not mean the same as a residential-design manufactured housing unit.

*Manufactured housing unit, residential-design:* A manufactured housing unit which has a minimum width of twenty-two feet (22'), with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.

*Manufactured housing park:* A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units and which has public sanitary sewer facilities, public water, electricity and other utilities available to permit residential occupancy of the units.

*Manufacturing, general:* An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication,

assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industry.

*Manufacturing, limited:* An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower or a kiln not exceeding 8 kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.

*Medical service:* An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

*Mining or quarrying:* The extraction of metallic and nonmetallic minerals, including sand and gravel operations.

*Mobile home:* A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974.

*Nonconforming structure:* A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

*Nonconforming use:* Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform with the use or area regulations of the district within which it is located.

*Non-precision instrument runway:* A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

*Nursing home:* Any premises where more than three (3) persons are housed and furnished with meals and continuing nursing services.

*Office, general:* An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

*Open space, common:* The area of land that is designed to be accessible for the use and enjoyment of all owner and/or tenants. This space may contain complementary structures, recreational areas and other such improvements, but shall not include parking lots or streets.

*Open space, private:* An area of land owned or occupied by a property owner or tenant and

available for their private use and enjoyment.

*Owner:* The property owner of record, according to the office of the Craighead County Circuit Court Clerk.

*Parking, commercial:* A paved area for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

*Parks and recreation:* A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

*Pedestrian way:* A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.

*Precision instrument runway:* A runway having an existing instrument approach utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

*Primary surface:* A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Principal building:* The building on a lot in which the principal use of the lot is conducted.

*Principal use:* The chief or main recognized use of a structure or of land.

*Recreation and entertainment, indoor:* An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

*Recreation and entertainment, outdoor:* An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

*Recreational vehicle park:* The use of a site providing individual spaces for trailered or self-propelled camping vehicles on a daily fee or short term rental basis.

*Research service:* An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

*Restaurant, fast-food:* An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customers table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

*Restaurant, general:* An establishment, other than fast-food restaurant, where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following: (1) a sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or (2) a cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

*Retail/service:* The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromat, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

*Runway:* A defined area on an airport prepared for landing and take-off of aircraft along its length.

*Safety services:* A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

*School, elementary, middle, or high:* The use of a site for instructional purposes on a primary or secondary level.

*Service station:* An establishment primarily engaged in the retail sale of gasoline or other motor fuels, that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or repair of motor vehicles.

*Sign:* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service or a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. A sign shall not include such devices 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, bulletin:* A sign erected by a church, school, institution, or public agency on its premises for announcements.

*Sign, commercial:* A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

*Sign, nameplate:* A sign bearing the name and/or address, occupation, and phone number of persons or uses occupying the premises.

*Sign, official:* Signs on public property for informing the public.

*Sign, off-premise (outdoor advertising):* A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered or sold somewhere other than on the premises.

*Sign, real estate:* Temporary signs advertising the premises for lease, rent or sale.

*Solid waste incinerator:* A permanent facility operated alone or in conjunction with a resource recovery facility or landfill for the purpose of burning solid waste or trash.

*Story:* The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

*Transitional surfaces:* Surfaces extending outward at 90 degree angles to the runway centerline and the runway centerline extended, at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

*Use:* Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

*Utility, major:* Generating plants, electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, communication, rail transportation, water, sewage collection or other similar service. The term utility shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein.

*Utility, minor:* Services and facilities of agencies that are under public franchise or ownership

to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

*Vehicle and equipment sales:* An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales.

*Vehicle repair, general:* An establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops.

*Vehicle repair, limited:* An establishment primarily engaged in automotive repair other than paint and body shops.

*Visual runway:* A runway intended solely for the operation of aircraft using visual approach procedures.

*Vocational school:* A use providing education or training in business, commercial trades, language, arts, or other similar activity or occupational pursuit, and not otherwise defined as a college or university or primary or secondary school.

*Warehouse, residential storage (mini-warehouse):* An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

*Warehousing:* The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, motor freight terminals, and moving and storage firms, but excluding residential storage warehouses.

*Welding or machine shop:* A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, and sheet metal shops.

*Yard:* An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.

*Yard, front:* A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

*Yard, rear:* A yard extending across the rear of the lot between the side lot lines, and

measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

*Yard, side:* A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

## Chapter 14.12

### Nonconforming Structures and Uses

#### Sections:

- 14.12.01 Continuance of Use
- 14.12.02 Discontinuance of Use
- 14.12.03 Change of Use
- 14.12.04 Repairs and Alterations
- 14.12.05 Accessories to Primary Nonconforming Uses
- 14.12.06 Damage and Destruction
- 14.12.07 District Changes

#### 14.12.01 Continuance of Use.

(a) Any lawfully established use of a structure or land, on the effective date of these regulations, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

(b) Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(c) Any structure for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

#### 14.12.02 Discontinuance of Use.

(a) Whenever any part of a structure or land occupied by a nonconforming use is changed to,

or replaced by, a use conforming to the provisions of these regulations, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

(b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.

#### 14.12.03 Change of Use.

(a) The nonconforming use of any structure or portion thereof, may be occupied by another similar or less intense nonconforming use as may be determined by the zoning official, subject to appeal to the Board of Zoning Adjustment. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use.

(b) A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations. If such nonconforming use or portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

#### 14.12.04 Repairs and Alterations.

(a) Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted. Such structures may be expanded once, a maximum of twenty-five (25%) percent in gross floor area.

(b) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.

(c) No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

(d) A structure which is nonconforming with respect to yards, height or any other element of bulk regulated by these regulations, shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

14.12.05 Accessories to Primary Nonconforming Uses. Addition of, or enlargement, alteration or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted if, after notices and public hearing and recommendation by the Planning Commission, the City Council finds that the accessory promotes the public health, safety, and welfare and does not expand or enlarge the primary nonconforming use.

The procedures for application and review shall be the same as those for a conditional use, with the exception that all notifications must make reference to a request for alteration, enlargement or relocation of use instead of a request for a conditional use.

14.12.06 Damage and Destruction. If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed and used for the same purpose as it was before the

occurrence; provided such repair or reconstruction is commenced and completed within one (1) year of the date of such damage or destruction.

Failure to exercise this option within the time specified, shall be considered a voluntary abandonment and the structure may be rebuilt and used thereafter only for a conforming use, and in compliance with provisions of the district in which it is located.

14.12.07 District Changes. Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses therein.

## Chapter 14.16

### Establishment of Zoning Districts and Boundaries

#### Sections:

- 14.16.01 Zoning Districts Established
- 14.16.02 Zoning District Hierarchy
- 14.16.03 Zoning District Boundary Map
- 14.16.04 Interpretation of District Boundaries
- 14.16.05 Classification of Annexed Lands
- 14.16.06 Vacation of Public Rights-of-Ways

14.16.01 Zoning Districts Established. The following zoning districts, which may be referred to by their abbreviations, are hereby established:

(a.1) Base Zoning Districts:

- AG Agricultural District
- RR Rural Residential District
- R-0 Single-Family Low Density District (Deleted: See Adopted Code prior to 2/06/07)
- R-1 Single-Family Medium Density District (Deleted: See Adopted Code prior to 2/06/07)
- R-1A Single-Family High Density District (Deleted: See Adopted Code prior to 2/06/07)
- R-2 Multi-Family Low Density District (Deleted: See Adopted Code prior to 2/06/07)
- R-2A Multi-Family Medium Density District (Deleted: See Adopted Code prior to 2/06/07)
- R-3 Multi-Family High Density District (Deleted: See Adopted Code prior to 2/06/07)
- RS-1: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-2: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-3: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-4: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-5: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-6: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-7: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).
- RS-8: Single Family Residence District (Revised: ORD-07:45, February 6, 2007).

(a.2) Multi-Family Districts (Revised: ORD-07:45, February 6, 2007).

RM-4 - Residential - Multi-Family Classification - 4 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

RM-6 - Residential - Multi-Family Classification - 6 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

RM-8 - Residential - Multi-Family Classification - 8 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

RM-12 - Residential - Multi-Family Classification - 12 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

RM-16 - Residential - Multi-Family Classification - 16 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

RMH District establishing a district with use restricted to manufactured housing unit placement. Said units no older than 8 years old as measured from date the letter of approval is sought will be allowed. Manufactured housing residential style will not be affected. (*Revised: ORD-07:45, February 6, 2007*).

- C-5 Neighborhood Office District (*Deleted: See Adopted Code prior to 2/06/07*)
- CR-1 Neighborhood Office District (*Revised: ORD-07:45, February 6, 2007*).
- C-4 Neighborhood Commercial District
- C-3 General Commercial District
- C-2 Downtown Fringe Commercial District
- C-1 Downtown Core Commercial District
- I-1 Limited Industrial District
- I-2 General Industrial District

(b) Overlay and Special Purpose Zoning Districts

- LU-O Limited Use Overlay District
- VR-O Village Residential Overlay District
- JMA-O Jonesboro Municipal Airport Overlay District
- PUD Planned Development District (*Revised: ORD-07:45, February 6, 2007*).

14.16.02 Zoning District Hierarchy. References to less restrictive, more restrictive, less intensive and more intensive zoning districts refer to the base zoning districts established above; and represent a progression from the AG district as the most restrictive (or least intensive) base district to the I-2 district as the least restrictive (or most intensive) base district. Overlay and special purpose districts are not included in the zoning district hierarchy.

14.16.03 Zoning District Boundary Map. The location and boundaries of the zoning districts established herein are bounded and defined as shown on a series of half-section maps entitled Official Zoning Map of the City of Jonesboro, Arkansas, which is on file in the Office of the City Clerk. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of this Ordinance. The Official Zoning Map shall be certified as such by signature of the Mayor, attested by the City Clerk.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other data portrayed on the Official Zoning Map, such changes shall be made on said map within thirty (30) days after the amendment has been approved by the City Council.

No changes of any nature shall be made on the Official Zoning Map or information shown thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized

change of whatever kind by any person or persons shall be considered a violation of this Ordinance, and punishable pursuant to provisions contained herein.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map located in the Office of the City Clerk shall be the final authority as to the current zoning status of property in the city.

14.16.04 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the zoning official shall employ the following rules in interpretations thereof. Decisions of the zoning official are subject to appeal to the Board of Zoning Adjustment.

(a) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such center lines.

(b) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(d) Boundaries indicated as following waterways shall be construed to be following the thread of the stream.

(e) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(f) Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.

(g) Where distance is not specifically indicated on the Official Zoning Map, as is typically the case with unsubdivided property, distance shall be determined by the scale of the map.

14.16.05 Classification of Annexed Lands. All lands proposed for annexation shall be assigned zoning district classification(s) that will become effective at the same time the annexation becomes final. The map amendment procedures contained herein shall be followed in assigning said classification(s).

14.16.06 Vacation of Public Rights-of-Ways. Whenever any street, alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land.

## Chapter 14.20

### District Regulations

#### Sections:

- 14.20.01 Residential Districts
- 14.20.02 Commercial and Industrial Districts
- 14.20.03 Overlay and Special Purpose Districts

#### 14.20.01 Residential Districts.

(a) General description. There are eight (14) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. More specific descriptions of these districts follows.

- (1) AG, Agricultural District. The purpose of this district is to help preserve existing agricultural resources, and to guide the conversion of rural lands to suburban use when appropriate. Development standards are designed to implement long range development goals by preserving areas that have prime soils for agricultural use, and by protecting appropriate areas for development until they are well served by public facilities and services.

*(Revised: ORD-07:45, February 6, 2007)*

- (2) RS-1: Single Family Residence District- Minimum 43,560 sq. ft. lot required.
- (3) RS-2: Single Family Residence District- Minimum 21,780 sq. ft. lot required.
- (4) RS-3: Single Family Residence District- Minimum 14,520 sq. ft. lot required.
- (5) RS-4: Single Family Residence District- Minimum 10,890 sq. ft. lot required.
- (6) RS-5: Single Family Residence District- Minimum 8,712 sq. ft. lot required.
- (7) RS-6: Single Family Residence District- Minimum 7,260 sq. ft. lot required.
- (8) RS-7: Single Family Residence District- Minimum 6,222 sq. ft. lot required.
- (9) RS-8: Single Family Residence District- Minimum 5,445 sq. ft. lot required.
  
- (10) RM-6 - Residential - Multi-Family Classification - 6 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.
  
- (11) RM-8 - Residential - Multi-Family Classification - 8 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.
  
- (12) RM-12 - Residential - Multi-Family Classification - 12 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.
  
- (13) RM-16 - Residential - Multi-Family Classification - 16 units per net acre, includes all forms of units, duplexes, tri-plexes, quads, and higher.

- (14) RMH District : Establishing a district with use restricted to manufactured housing unit placement. Said units no older than 8 years old as measured from date the letter of approval is sought will be allowed. Manufactured housing residential style will not be affected.  
(Revised: ORD-07:45, February 6, 2007)

(b) Uses Permitted. Uses permitted in the residential districts are set forth in the following table. Where the letter “P” appears opposite a listed use and underneath a residential district, the use is permitted in that district “by right” subject to: (1) providing off-street parking and loading facilities as required by Chapter 14.36.01; (2) providing landscaping and screening as provided by Chapter 14.36.03; and (3), conformance with special conditions applying to certain uses as set forth in Chapter 14.32. Only one (1) principal structure per lot shall be permitted in ~~R-O, R-1, R-1A and R-2~~ the “RS” districts.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit as set forth in Chapter 14.24. Where neither “P” nor “C” appears similarly within the table, the use is not permitted.

**PERMITTED USE TABLE: RESIDENTIAL DISTRICTS - (Last Revised: ORD-07:45, 2/6/ 2007)**

<b>RESIDENTIAL USES</b>	AG	RS-1	RS-2	RS-3	RS-4	RS-5	RS-6	RS-7	RS-8	RM- H	RM-4	RM-6	RM-8	RM-12	RM-16
Single-family detached	P	P	P	P	P	P	P	P	P						
Single-family attached											P	P	P	P	P
Duplex, triplex, 4-plex											P	P	P	P	P
Emergency housing unit	C	C	C	C	C	C	C	C	C	P	C				
Multi-family										P	P	P	P	P	P
Manufactured housing unit	P									P			C	P	P
Manuf. housing, res. design	P	P	C	C	C	C	C	C	C	P			C	P	P
Manufactured housing park	P									P					
Group residential			C	C	C	C					P	P	P	P	P
Accessory dwelling unit		P	P	C	C	C									
<b>CIVIC/COMMERCIAL USES</b>	AG	RS-1	RS-2	RS-3	RS-4	RS-5	RS-6	RS-7	RS-8	RM- H	RM-4	RM-6	RM-8	RM-12	RM-16
Airport or airstrip	C														
Animal care, general	C														
Animal care, limited	C														
Automated teller machine														C	C
Bed and breakfast		C	C	C	C						C	C	C	C	C
Cemetery	C	C	C	C	C	C	C	C	C		C	C	C	C	C
Church	P	P	P	C	C	C	C				C	C	C	C	C
College or university			P	P	P	P	P				P	P	P	P	P
Communication tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Convenience store														C	C
Day care, limited (family)	P	P	P	C	C	C	C	C			P	P	P	P	P
Day care, general													C	C	C
Golf course	C	C	C	C	C	C	C			P	P	P	P	P	P
Government service **	P	P	P	P	C	C	C	C	C		P	P	P	P	P
Hospital														P	P
Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Medical services														C	C
Museum														C	C
Nursing home														C	C
Parks and recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post office															
Recreation/entertainment, indoor	C	C	C	C											

Where "P" appears opposite a listed use and underneath a district, the use is permitted in that district "by right" subject to all requirements of Article 14. Where the letter "C" appears instead of "P", the use is permitted subject to acquiring conditional use permit as set forth in Chapter 14.24. Where "P" nor "C" appears simply within the table, the use is not permitted.

\*\* Note: Public Utilities and Government Service Uses shall be exempt from the maximum lot size of 5 acres restriction

**PERMITTED USE TABLE: RESIDENTIAL DISTRICTS**

<b>CIVIC/COMM. USES</b>	AG	RS-1	RS-2	RS-3	RS-4	RS-5	RS-6	RS-7	RS-8	RM- H	RM-4	RM-6	RM-8	RM-12	RM-16
Recreation/entertain., outdoor	C	C	C												
Safety services	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P
School, elem./middle & high	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility, major**	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility, minor**	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>AGRICULTURAL USES</b>	AG	RS-1	RS-2	RS-3	RS-4	RS-5	RS-6	RS-7	RS-8	RM- H	RM-4	RM-6	RM-8	RM-12	RM-16
Agriculture, animal	P	P	C	C	C	C									
Agriculture, crop	P	P	P	C	C	C									
Agriculture, product sales	P	P	P	C	C	C									
<p><i>Where "P" appears opposite a listed use and underneath a district, the use is permitted in that district "by right" subject to all requirements of Article 14. Where the letter "C" appears instead of "P", the use is permitted subject to acquiring conditional use permit as set forth in Chapter 14.24. Where "P" nor "C" appears similarly within the table, the use is not permitted.</i></p> <p><i>** Note: Public Utilities and Government Service Uses shall be exempt from the maximum lot size of 5 acres restriction</i></p>															

**ACCESSORY USES: PERMITTED SUBJECT TO PROVISIONS OF CHAPTER 14.28 .**

(c) Lot, yard, and height regulations. Except as otherwise provided herein, no lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

**MINIMUM DIMENSION REQUIREMENTS  
RESIDENTIAL DISTRICTS**

<b>BULK DIMENSIONAL REQUIREMENTS</b>					
<b>Zoning Classification</b>	<b>Min. Lot Width</b>	<b>Minimum Lot Area</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Setback</b>
AG	240'	5 ac.	30'	30'	10' ea.
RS-1	120'	43,560 SF	40'	30'	25.0' ea.
RS-2	100'	21,780 SF	35'	25'	15' ea.
RS-3	80'	14,520 SF	30'	25'	10.0' ea.
RS-4	80'	10,890 SF	25'	25'	7.5' ea.
RS-5	70'	8,712 SF	25'	20'	7.5' ea.
RS-6	65'	7,260 SF	20'	20'	15' Combined (Min. 10 on 1 side)
RS-7	50	6,222 SF	20'	20'	7.5' ea.
RS-8	50	5,445 SF	15'	15'	7.5' ea.

(1) Maximum lot coverage (all buildings) shall not exceed thirty-five percent (35%) in RS-1 thru RS-5 Districts and forty percent (40%) in all other residential districts.

*(Revised: ORD-07:45, February 6, 2007)*

(1) When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

(2) Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements of all districts.

(4) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted or recorded before the adoption of this ordinance. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit.

- (5) Certain architectural features may project into required yards as follows:
- (a) Cornices, canopies, eaves, or other architectural features, may project a distance not exceeding thirty inches (30").
  - (b) Fire escapes may project a distance not exceeding four and one-half feet from the exterior wall of the building.
  - (c) An uncovered stair and necessary landings may project a distance not to exceed three feet (3'), provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three feet (3') in height.
  - (d) Bay windows, balconies, and chimneys may project a distance not exceeding thirty inches (30"), provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (6) When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.
- (7) Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street and are less than the required street setback, applicants shall be allowed to use the "average" street setback on that block. In such cases, the "average" setback shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications, and in no case shall more than six (6) lots on either side of the subject property be included in the calculation.
- (8) When adjacent to **"RS" Single Family Districts R-1A** or more restrictive districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height.
- (9) Single family attached (townhouse) uses shall be exempt from interior side setback requirements, provided that end units within a single-family attached development shall comply with applicable side setback requirements. Such uses shall also be exempt from lot width requirements.
- (10) In **existing R-1A** and more intensive zoning districts, dwelling units within a zero lot line development may be placed on or near one interior side lot line, and therefore be exempt from that interior side setback requirement. Zero lot line setbacks may not be used on street side lot lines or on interior side lot lines adjacent to lots that are not part of

the zero lot line development. Zero lot line houses shall be subject to applicable fire codes and the following additional standards:

(a) The minimum distance between all buildings in the development must be equal to twice the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to insure continued compliance with this setback.

(b) An easement to allow for maintenance or repair is required when the eaves or side wall of a house are within four feet (4') of the adjacent property line. The easement on the adjacent property must provide at least five feet (5') of unobstructed space between the furthestmost projection of the structure, and be wide enough to allow five feet (5') between the eaves or side wall and the edge of the easement.

(c) If the side wall of the house is on the property line, or within three feet (3') of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

(11) Maximum height limitation is thirty-five feet (35') in all residential zones with the exceptions of the **AG and RM districts**, where the limitation is forty-five feet (45'). Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the Airport Overlay District or other city ordinances. Communication towers are exempt only to the extent authorized through conditional use approval.

14.20.02 Commercial and Industrial Districts.

- (a) General description, commercial districts. Commercial districts are principally intended for the provision of services and the conduct of business essential to support residents within the City and the surrounding area. Five (5) different commercial districts exist to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Jonesboro. More specific descriptions of these districts follows.
- (1) CR-1 Commercial Residence Mixed Use District shall be classified as a transitional zoning classification for mixed-use type developments. It allows commercial development, with a residential appearance, and professional uses to be completed in areas between existing commercial more of a retail nature, and single family residential. By definition it represents transition. Therefore, the logical conclusion would be that a transitional use, such as “quadraplexes” shall be permitted in this district with commercial below or coordinated to blend or relate. Site plan review shall be subject to Planning Commission review and administrative approval upon Commission recommendation.

C-5, Neighborhood Office District. *(Deleted: See Adopted Code prior to 2/06/07)*

- (2) C-4, Neighborhood Commercial District. This district provides for limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. Buildings are to be of residential character regarding outward appearance.
- (3) C-3, General Commercial District. The purpose of this district is to provide appropriate locations for commercial and retail uses which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled arterial street. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.
- (4) C-2, Downtown Fringe Commercial District. This district provides for a transitional area between the Downtown Core Commercial District (C-1) and the surrounding older residential areas which have yet to experience intrusions of other type uses. The fringe area is characterized by mixed uses, including offices, services, government facilities,

and housing. This district is generally considered an inappropriate location for large retail uses (greater than 3,000 square foot).

(5) C-1, Downtown Core Commercial District. This district is characterized by concentrated development of permitted uses, including office and institutional, service, convenience and specialty retail, entertainment, and housing. Redevelopment of the area is contemplated, with emphasis on an art and entertainment cluster. Accordingly, it is anticipated that one or more overlay or other special districts will be established to help foster transformation of the area.

(b) General description, industrial districts. The industrial zoning districts are intended to provide for the development of light to heavy industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the districts are designed to assure compatibility with other similar uses and to minimize any conflicts with nonindustrial uses located in close proximity to industrial uses. More specific descriptions of these districts follows:

(1) I-1, Limited Industrial District. This district is to accommodate freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted. Suitable transportation facilities are a necessity to this district.

(2) I-2, General Industrial District. This district is intended for the more intensive industries and those manufacturing facilities making products from raw materials. Regulations are the minimum for mutual protection between industries. Rail service is typically necessary, as is adequate highway access.

(c) Uses Permitted. Uses permitted in the commercial and industrial districts are set forth in the following table. Where the letter “P” appears opposite a listed use and underneath a district, the use is permitted in that district by right subject to: (1) providing off-street parking and loading facilities as required by Chapter 14.36.01; (2) providing landscaping and screening as required by Chapter 14.36.03; and (3), conformance with special conditions applying to certain uses as set forth in Chapter 14.32.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit as set forth in Chapter 14.24. Where neither “P” nor “C” appears similarly within the table, the use is not permitted.



**USE TABLE**  
**COMMERCIAL & INDUSTRIAL DISTRICTS**  
*(Revised: ORD-07:45, February 6, 2007)*

**ZONING**

**DISTRICTS**

**CR-1   C-4   C-3   C-2   C-1   I-1   I-2**

**RESIDENTIAL USES**

Single-family detached							
Single-family attached							
Duplex, triplex, 4-plex	P						
Loft apartment	P				P		
Multi-family	P						
Manufactured housing unit						C	

**CIVIC AND COMMERCIAL USES**

Airport or airstrip						C	
Animal care, general	C	C	P			C	
Animal care, limited	C	P	P				
Auditorium or stadium			C		C	C	
Automated teller machine	C	P	P	C	P	P	P
Bank or financial institution		P	P	C	P	P	P
Bed and breakfast	C	P	P	P	P		
Car wash		C	P	C	C	P	C
Cemetery	P	P	P	P	P	P	P
Church	P	P	P	P	C	P	P
College or university	P	P	P	P	P	P	P
Communication tower	C	C	C	C	C	P	P
Construction sales and service			P			P	
Convenience store	C	P	P	C	C	C	
Day care, limited (family home)	P	P	P	P	P	C	C
Day care, general	P	P	P	C	C	C	C

**USE TABLE (CONTINUED)**  
**COMMERCIAL & INDUSTRIAL DISTRICTS**  
*(Revised: ORD-07:45, February 6, 2007)*

**ZONING**

**DISTRICTS**

**CR-1    C-4    C-3    C-2    C-1    I-1    I-2**

**CIVIC AND COMMERCIAL USES**

Entertainment, adult			C			C	P
Funeral home	C	C	P	C	C		
Golf course		P	P	P	P		
Government service	P	P	P	P	P	P	P
Hospital	P	P	P	P	P		
Hotel or motel			P		P		
Library	P	P	P	P	P	P	P
Medical service/office	P	P	P	P	P	P	P
Museum	P	P	P	P	P	C	
Nursing home	C	P	P	P	C		
Office, general	P	P	P	P	P	C	
Parking lot, commercial			P		P	C	
Parks and recreation	P	P	P	P	P	C	C
Pawn shops			P			C	
Post office	C	P	P	P	P	C	
Recreation/entertainment, indoor		C	P	C	P	C	
Recreation/entertainment, outdoor		C	P			C	
Recreational vehicle park			P			P	
Restaurant, fast-food		C	P	C	C	P	
Restaurant, general		P	P	P	P	P	
Retail/service		C	P	C	P	C	
Safety services	P	P	P	P	P	P	P

**USE TABLE (CONTINUED)  
COMMERCIAL & INDUSTRIAL DISTRICTS**

**ZONING**

**DISTRICTS**

	<b>CR-1</b>	<b>C-4</b>	<b>C-3</b>	<b>C-2</b>	<b>C-1</b>	<b>I-1</b>	<b>I-2</b>
<b>CIVIC AND COMMERCIAL USES</b>							
School, elementary/middle & high	P	P	P	P	P	P	P
Service station		C	P	C	C	P	
Sign, off-premise *	C	C	P	C	C	P	
Utility, major	C	C	C	C	C	C	C
Utility, minor	P	P	P	P	P	P	P
Vehicle and equipment sales			P			P	
Vehicle repair, general			P			P	C
Vehicle repair, limited		C	P	C	C	P	C
Vocational school		C	P	C	P	P	C
Warehouse, residential (mini) storage			C			P	C
Vehicular & Equipment Storage-yard						P	P
<b>INDUSTRIAL, MANUFACTURING &amp; EXTRACTIVE USES</b>							
Asphalt or concrete plant						C	P
Auto wrecking or salvage yard						C	P
Basic industry						C	P
Freight terminal			C			P	P
Landfill (private)							C
Manufacturing, general						P	P
Manufacturing, limited						P	P
Mining or quarrying						C	P
Oil and gas drilling							P
Research services			C			P	P
Solid waste incinerator						C	C

*(Revised: ORD-07:45, February 6, 2007)*

\* Not permitted along the route generally known as Crowley's Ridge Parkway National Scenic Byway (see Section 14.32.11 for description).

\*\* Permitted Locations- Off Premise Sign. Permitted by right in C-3, I-1, & I-2 except where the property on which the sign is to be located adjoins a residentially zoned property then it shall become a conditional use. See Off-Premise Outdoor Advertising Sign Ord.

**USE TABLE (CONTINUED)**  
**COMMERCIAL & INDUSTRIAL DISTRICTS**  
*(Revised: ORD-07:45, February 6, 2007)*

<u>DISTRICTS</u>	<u>ZONING</u>						
	CR-1	C-4	C-3	C-2	C-1	I-1	I-2
<b>INDUSTRIAL, MANUFACTURING &amp; EXTRACTIVE USES</b>							
Warehousing						P	P
Welding or machine shop						P	P
<b>AGRICULTURAL USES</b>							
Agriculture, animal			C			C	P
Agriculture, crop						C	P
Agriculture, farmers market			P		P	P	
Agriculture, product sales						C	P

**ACCESSORY USES: PERMITTED SUBJECT TO PROVISIONS OF CHAPTER 14.28.**

(c) Lot, yard, and height regulations. No lot or yard shall be established or reduced in dimension or area in any commercial or industrial district that does not meet the minimum requirements; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

**DIMENSION REQUIREMENTS  
COMMERCIAL & INDUSTRIAL DISTRICTS**  
*(Revised: ORD-07:45, February 6, 2007)*

**ZONING**

**DISTRICTS**

**CR-1    C-4    C-3    C-2    C-1    I-1    I-2**

**DIMENSION**

<b>Minimum lot size</b>							
Single-family (sq. ft.)	6,500	NP	NP	6,000	NS	NP	NP
Duplex (sq. ft.)	7,200	NP	NP	7,200	NS	NP	NP
Multi-family (area/family)	NP	NP	NP	3,600	NS	NP	NP
Nonresidential uses (sq. ft.)	6,500	6,500	6,500	6,500	NS	6,500	10,000
<b>Minimum lot width (all uses)</b>	50'	50'	50'	50'	25'	50'	100'
<b>Minimum lot depth (all uses)</b>	100'	100'	100'	100'	NS	100'	100'
<b>Street setback</b>							
Residential uses	25'	NP	NP	25'	NS	25'	NP
Nonresidential uses	25'	25'	25'	25'	NS	25'	100'
<b>Interior side setback</b>							
Residential uses	7.5'	10'	NP	10'	NS	10'	NP
Nonresidential uses	10'	10'	10'	10'	NS	10'	25'
<b>Rear setback</b>							
Residential uses	20'	20'	NP	20'	NS	20'	NP
Nonresidential uses	20'	20'	20'	20'	NS	20'	25'
<b>Maximum lot coverage (all uses)</b>	50%	50%	60%	50%	100%	60%	60%
<b>% of Total Lot Area (Bldg. Floor area)</b>	20%	20%	NS	20%	NS	NS	NS

**NP = not permitted**

**NS = no standard**

(c) Lot, yard, and height regulations. No lot or yard shall be established or reduced in dimension or area in any commercial or industrial district that does not meet the minimum requirements; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

1. Size reduced for public purpose. When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
2. Utility exemption. Utility facilities, using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area, are exempt from minimum lot size requirements.
3. Setback reduced for public purpose. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.
4. Setback averaging. When a majority of the lots have existing principal structures on them and the street setbacks of said principal structures are on lots within the same block, with the same zoning classification and fronting on the same side of the street and are less than the required street setback, applicants shall be allowed to use the “average” street setback on that block. In such cases, the “average” setback shall be the mean (average) setback of all developed lots on the same side of the street within the same block as the subject property and with the same zoning classifications, and in no case shall more than six (6) lots on either side of the subject property be included in the calculation.
5. Setbacks increased by height. When adjacent to R-1A or more restrictive districts, multi-family residential and nonresidential structures over one (1) story or fifteen feet (15') in height shall have an additional eight foot (8') side and rear setback for every additional story or fifteen feet (15') in building height.
6. Maximum height. Maximum height limitation is thirty-five feet (35') in **CR-1**, C-4, and C-2 districts; forty-five feet (45') in C-3 and I-1 districts; seventy-five feet (75') in I-2 districts; and there shall be no limitation in the C-1 district. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the Airport Overlay District or other city ordinances. Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.
7. When a nonresidential zone abuts a residential zone, setbacks for both shall be same as that setback for the abutting residential zone.

14.20.03 Overlay and Special Purpose Districts. The purpose of Overlay and Special Purpose Districts is to provide for enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include: Promoting the safe and efficient use of specific roadways by controlling access and other traffic measures; Encouraging the redevelopment of an area consistent with a particular design theme; Giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention; Giving special attention to the existing architectural style or to the style which is planned, so as to create an easily identifiable area in those areas identified as architecturally or historically significant.

The City Council, upon recommendation from the Planning Commission, may adopt Overlay and Special Purpose Districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with Comprehensive Plan provisions for the area being regulated, which shall be applied as additional standards to other city regulations. The development criteria for each district shall be those standards as set out in each respective district that is adopted. Such districts shall be made a part of the Zoning Ordinance through the standard amendment procedures; and upon adoption, the boundaries of such districts shall be delineated on the Official Zoning Map.

(a) LU-O, Limited Use Overlay District.

(1) Purpose. By providing for flexible use of property development standards tailored to individual projects or specific properties, the LU-O district is intended to:

- (a) Insure compatibility among incompatible or potentially incompatible land uses;
- (b) Ease the transition from one zoning district to another;
- (c) Address sites or land uses with special requirements; and
- (d) Guide development in unusual situations or unique circumstances.

(2) Application. The LU-O district may be applied in combination with any base zoning district. The designation may be requested by an applicant or proposed by the Planning Commission or City Council during their consideration of a rezoning request.

(1) Use and Property Development Standards. When accompanied by a rezoning request from the property owner, the LU-O district can be used to restrict the use and property development standards of an underlying base zoning district, as applied to specific parcels of land. All LU-O requirements are in addition to, and supplement all other applicable standards and requirements of the underlying zoning district. Restrictions and conditions imposed by an LU-O district are limited to the following:

- a. prohibiting otherwise permitted or conditional uses and accessory uses or making a
- b. permitted use a conditional use;
- c. decreasing the number or density of dwelling units that may be constructed on the site, or
- d. limiting the size of nonresidential buildings that may be placed on a site;
- e. increasing minimum lot size or lot width;
- f. increasing minimum yard and setback requirements; and
- g. restricting access to abutting properties and nearby roads.

(4) Method of Adoption/Amendment. As an overlay district, the LU-O designation shall be applied for in accordance with standard rezoning procedures. Once LU-O zoning is established, any amendments shall also require review and approval in accordance with rezoning procedures.

(5) Effect of LU-O Designation. Restrictions imposed through an LU-O district are considered part of this Ordinance. All property included in an LU-O district shall be delineated on the Official Zoning Map by adding the letters LU to the abbreviation for the base zoning district. The rezoning ordinance and record plat for the property must list all of the modifications and restrictions imposed pursuant to the LU-O designation. The restrictions imposed will be considered part of the text of this Ordinance, and a violation of the restrictions shall be considered a violation of the Zoning Ordinance.

(b) VR-O, Village Residential Overlay District

(1) General

(a) Purpose. The purpose of the VR-O, Village Residential Overlay District, is to promote greater integration of use and design and more potential for physical and

social interaction within the City's newly developing neighborhoods. The VR-O regulations are intended to carry out the Village Residential policies of the Comprehensive Plan, and to encourage the creation of neighborhoods with the following characteristics:

- (1) Pedestrian-scale;
- (2) A mix of uses, i.e., all types of housing and supporting retail and service uses;
- (3) Unified planning, design and appearance; and
- (4) Inclusion of amenities and pedestrian connections to such amenities (e.g., parks, open space, schools, cultural facilities, etc.).

(b) Applicability. The VR-O is an overlay district applied in combination with an

underlying base zoning district. The VR-O district may be applied in combination with the AG, RR, and “RS”~~R-O or R-1~~ zoning districts. If the regulations of the

VR-O conflict with the underlying base zoning district, the regulations of the VR-O shall control. If no special VR-O standards are specified, the regulations of The underlying base zoning district shall control.

(c) Method of Adoption. The VR-O district shall be established according the standard procedures for rezoning.

(d) Effect of VR-O Classification. Land classified in the VR-O district may be developed according to the underlying base district classification or according to the Village Residential Development Standards of this section.

(e) Village Residential Approval Procedure. A proposed Village Residential Development shall require review and approval according to the Planned Unit Development review procedures.

(f) Phasing of Development. At the time of preliminary plan approval, the developer may request approval of, and the Planning Commission may approve, a phasing plan for the development, in which case the following standards shall apply. Each phase shall be related to surrounding areas and available public facilities in such a manner that failure to proceed to subsequent phases will not adversely affect those areas or facilities. Each completed phase shall comply with all applicable standards. The infrastructure as installed shall be sufficient to accommodate each phase of the development.

## (2) Village Residential Development Standards

(a) Minimum Site Area. The minimum contiguous land area included in a single Village Residential Development shall be seventy-five (75) acres. For the purpose of this provision, land shall be deemed to be contiguous if all parts are under unified control of the applicant and all parts abut or are separated by only a road, easement or right-of-way.

(b) Uses.

(1) Residential. Any type of residential use may be allowed in the VR-O district, subject to required approval procedures, and the following limitations:

(a) Single-Family. A minimum of fifty-one percent (51%) of the total number of dwelling units within a Village Residential Development shall be single-family.

(b) Other Residential. No more than forty-nine percent (49%) of the total number of dwelling units within a Village Residential Development may be other than single-family (e.g., duplex, multi-family, manufactured housing).

(2) Nonresidential. The following nonresidential uses shall be allowed within the VR-O district, if approved according to the PD approval procedures:

(a) Uses Allowed in **“RS”-R-1**. Any nonresidential use permitted in the **“RS”-R-1** district shall also be a permitted use in the VR-O district.

(b) Bank or Financial Institution. Banks and financial institutions are permitted uses in the VR-O district.

(c) Convenience Store. Convenience stores, including those that sell gasoline, are permitted uses in the VR-O district.

(d) Day Care, Limited. Day care family homes are permitted in this district.

(e) Medical Service. Medical services are permitted in the VR-O district.

(f) Restaurants. Restaurants are permitted uses in the VR-O district, provided they do not exceed a one hundred (100) person seating capacity.

(g) Retail Sales/Service. Retail sales and service uses are permitted in the VR-O district, provided that no individual retail sales or service use may exceed four thousand (4,000) square feet of gross floor area.

(c) Residential Property Development Standards

(1) Maximum Density. The maximum single-family residential density within a Village Residential Development shall not exceed five and one-half (5.5) units per acre.

(2) Minimum Lot Size. The minimum lot size for single-family residential uses shall be six thousand (6,000) square feet.

(3) Setbacks. The setback standards of the underlying base zoning district shall apply unless the Planning Commission approves an alternative setback plan for the Village Residential Development. In general, reduced building setbacks (from streets) are appropriate in a Village Residential Development.

(4) Maximum Height. Residential uses shall not exceed thirty-five feet (35') in height, measured from the highest land elevation to the eaves.

(5) Maximum Building Coverage. Residential uses shall not exceed fifty percent

(50%) lot coverage.

(d) Residential Property Development Standards

(1) Commercial Floor Area Limit. No more than ten thousand (10,000) square feet (gross floor area) of commercial floor space shall be allowed per one hundred (100) dwelling units within a Village Residential Development.

(2) Setbacks. The setback standards of the underlying base zoning district shall apply unless the Planning Commission approves an alternative setback plan for the Village Residential Development.

(3) Lot Coverage. The maximum ground coverage of any nonresidential use within a Village Residential Development, which includes building and other site improvements, shall not exceed seventy percent (70%) of the lot.

(4) Maximum Height. The maximum height of any nonresidential use in the VR-O district shall be thirty feet (30'), measured from the highest land elevation to the eaves.

(e) Design Guidelines and Standards. In reviewing plans for a Village Residential Development, and, as a condition of any density bonus and any permitting of commercial uses, the Planning Commission shall evaluate the proposal in light of the policies and guidelines in the Comprehensive Plan, and in light of the following standards and guidelines:

(1) Sidewalks. Sidewalks shall be provided on both sides of all local and collector streets within a Village Residential Development.

(2) Streets. The Planning Commission may allow reduced street right-of-way and pavement widths within Village Residential Developments if the Planning Commission determines that pedestrian amenities or transit improvements will be made to reduce dependency on the automobile.

(3) Open Space. A minimum of twenty percent (20%) of the gross area of a Village Residential Development shall be designated and preserved as common open space or private open space. Recreation facilities or structures and accessory uses in common areas shall be considered as open space if the total impervious surfaces such as paving and roofs constitute no more than ten percent (10%) of the total open space area. A property owners, association shall be responsible for continued maintenance of common open space areas.

(4) Landscaping and Buffering. Trees, shrubs and other plant materials should be installed within open space areas of a Village Residential Development. Shade trees shall be installed to shade sidewalks and parking lots. Landscape buffers consisting of trees, shrubs, earth berms and other landscape features shall be

provided to screen incompatible uses from one another. Low density residential areas should, for example, be screened from high density residential uses and from nonresidential uses.

(5) Outdoor Lighting. A uniform lighting plan should be established for the Village Residential Development. Lighting should be provided along streets and sidewalks, and in off-street parking areas. Outdoor lighting shall be located and shielded to prevent spillover lighting in residential areas.

(6) Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, and open water courses. The developer is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing utilities and service facilities.

(7) Housing Design. Pedestrian-oriented design features are strongly encouraged within the VR-O district. To that end, front porches, reduced street setbacks, rear alleys, garage placement to the side or rear of houses, and other design features that emphasize the pedestrian over the automobile are encouraged within Village Residential Developments.

(8) Architectural Compatibility. At the time of plan review, the developer of a Village Residential Development shall be required to present plans for insuring architectural compatibility within the development. In addition to the general design of buildings, such plans shall address uniform signage and landscaping.

(9) Paths and Trails. Bicycle paths and pedestrian trails are strongly encouraged to link residential areas with commercial nodes, schools and other activity areas inside and outside the development. The requirement for sidewalks may be waived by the Planning Commission if paths or trails are provided.

(10) Parks and Recreation Areas. A Village Residential Development should include recreation facilities and amenities, such as swimming pools, playfields and other areas. The Planning Commission may require the provision of private recreational amenities within a Village Residential Development if the Planning Commission determines that adequate park and recreation facilities do not exist within a one-mile radius of the Village Residential Development.

(c) JMA-O, Jonesboro Municipal Airport Overlay District

(1) Establishment of Airport Overlay District. The following airport overlay zones are established within the JMA-O District. These zones include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Jonesboro Municipal Airport.

(a) Utility Runway Visual Approach Zone. The inner edge of this approach

zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand, two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Non-precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

(c) Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

(d) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(e) Horizontal Zone. The horizontal zone is established by swing-arcs of five thousand feet (5,000') radii for all runways designated utility or visual, and ten thousand feet (10,000') for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(f) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000').

(2) Airport Zoning Map. The airport overlay zones established by this section are shown on the Jonesboro Municipal Airport Zoning Map which, together with all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if specifically set forth herein. Any area shown as located in more than one of the following zones shall be considered to be located only in the zone with the more restrictive height limitation.

(3) Height Limitations. Unless otherwise specifically provided in these regulations, no structure shall be erected, altered, or maintained, and no tree shall be allowed to exceed the maximum permitted height of the airport overlay zone in which it is located. The following maximum height limits shall not be construed as prohibiting the construction

or maintenance of any structure, or growth of any tree to a height up to fifty feet (50') above the surface of the land.

(a) Utility Runway Visual Approach Zone. Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.

(b) Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Non-precision Instrument Approach Zone. Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline.

(c) Precision Instrument Runway Approach Zone. Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.

(d) Transitional Zones. Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is two hundred fifty-eight feet (258') above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

(e) Horizontal Zone. Established at one hundred fifty feet (150') above the airport elevation or at a height of four hundred eight feet (408') above mean sea level.

(f) Conical Zone. Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.

(4) Use Limitations. Notwithstanding any other provisions of this Ordinance, no use

may be made of land or water within any airport overlay zone in such a manner so as to create electrical interference with navigational signals or radio communication between the Jonesboro Municipal Airport and aircraft; make it difficult for pilots to distinguish between Jonesboro Municipal Airport, and other facilities; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Jonesboro Municipal Airport.

(5) Nonconforming Uses.

(a) Regulations Not Retroactive. The airport overlay district regulations prescribed in this section shall not require the removal, lowering, or other change or alteration of any structure or tree that does not comply with the airport overlay district regulations, nor shall the airport overlay district regulations otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to October 20, 1969, (the date of Ordinance #1242, which is superseded by the airport overlay regulations of this Ordinance) and is diligently pursued.

(b) Marking and Lighting. Notwithstanding the preceding provision, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Jonesboro Municipal Airport Commission, to indicate to the operators of aircraft in the vicinity of the Jonesboro Municipal Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Jonesboro.

(6) Permits.

(a) Future Uses. Except as specifically exempted by the following subsection, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any airport overlay zone unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detail to allow a determination of whether the resulting use, structure, or tree would comply with the regulations of this section. If the use, structure, or tree complies with the regulations of this section, the permit shall be granted. No permit for a use inconsistent with the provisions of this airport overlay district shall be granted unless a variance has been approved by the Board of Zoning Adjustment.

(b) Exceptions. No permits shall be required for the following:

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than

seventy-five feet (75') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet (75') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(c) Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on June 1, 1987 or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(d) Nonconforming Uses Abandoned or Destroyed. Whenever the Jonesboro Municipal Airport Commission determines that a nonconforming tree or structure has been abandoned or more than fifty percent (50%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable airport overlay zone height limit or otherwise deviate from the zoning regulations of this Ordinance.

(e) Permits For Change and Repair of Nonconforming Uses. Before any existing nonconforming structure or object of natural growth may be altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Jonesboro Municipal Airport Commission authorizing such change or repair. No such permit shall be granted that would allow the structure or object of natural growth in question to be made higher or become a greater hazard to air navigation than it was on June 1, 1987. If the structure or object of natural growth has been more than fifty percent (50%) torn down or destroyed, whether voluntarily, by act of Nature, or otherwise, or has become more than fifty percent (50%) deteriorated or decayed, no permit shall be granted that would permit said structure or object of natural growth to exceed the applicable height limit prescribed by the zoning regulations of the Ordinance. In all cases of more than fifty percent (50%) destruction, deterioration or decay, whether application is made for a permit for repair or not, the Jonesboro Municipal Airport Commission shall by appropriate action compel the owner of the nonconforming structure or object of natural growth, at the owner's expense, to lower or remove such object

to the extent necessary to conform to the height limitations contained in the airport overlay district. Except as indicated, all applications for permits for change or repair of nonconforming uses shall be granted.

(f) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in the airport overlay district, may apply to the Board of Zoning Adjustment (BZA) for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. No application for a variance may be considered by the BZA unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application with fifteen (15) days of its delivery, the BZA may act on its own to grant or deny said application.

(g) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this airport overlay district, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner 's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Adjustment, this condition may be modified to require the owner to permit the City of Jonesboro, at its own expense, to install, operate and maintain the necessary markings and lights.

(7) Administration.

(a) Permits. All applications for airport overlay district permits shall be made to the Jonesboro Municipal Airport Commission upon a form published for that purpose. The Jonesboro Municipal Airport Commission shall approve or deny the requested permit within forty-five (45) days after receipt. Building permits are required by the Inspection Department.

(b) Variances. All applications for variances shall be made to the Board of Zoning Adjustment. All such applications shall immediately be submitted by the BZA to the Jonesboro Municipal Airport Commission for its recommendation. The Jonesboro Municipal Airport Commission shall recommend approval or denial of the requested variance within forty-five (45) days after receipt, and shall forward its recommendation to the BZA for appropriate action.

(8) Appeals.

(a) Appeals to Board of Zoning Adjustment. Any person aggrieved by any decision of the Jonesboro Municipal Airport Commission made in the administration of the airport overlay district may appeal to Board of Zoning

Adjustment (BZA).

(b) Effect of Appeal. An appeal shall stay all proceedings in furtherance of the action appealed unless the Jonesboro Municipal Airport Commission certifies to the Jonesboro City Council that, by reason of the facts stated in the certificate, a stay would, in the opinion of the Commission, cause an eminent peril to life or property. In such case, proceedings should not be stayed except by order of the Jonesboro City Council, or order of the Craighead County Circuit Court, after appropriate notice to all parties and a show cause hearing is held.

(c) Judicial Review. Any person aggrieved by any decision of the Board of Zoning Adjustment, may appeal to the Craighead County Circuit Court as provided by ACA 14-363-208.

**(d) 14.20.04 “PD” – Planned Development District**

Formerly Planned Unit Development (PUD) District - (*Adopted by ORD: 07:13, May 1, 2007*)

**(1) General Description.** It is the intent of this section to encourage development with superior living environments brought about through unified development, and to provide for the application of design ingenuity in such developments, while protecting existing and future surrounding areas in achieving the goals of the Comprehensive Plan for development of the City. The PD provisions herein established, are intended to provide for greater flexibility in the design of buildings, yards, courts, circulation and open space than would otherwise be possible through the strict application of other district regulations, and to produce:

- (a) A maximum choice in the type of environment and living units available to the public;
- (b) Open space and recreation areas (active and passive);
- (c) A pattern of development which preserves natural features, prevents soil erosion, and protects water quality;
- (d) A creative approach to the use of land and related physical development;
- (e) An efficient use of land resulting in smaller networks of utilities and streets, and thereby lowering costs; and
- (f) An environment of stable character.

The PD regulations are designed to provide for small- and large-scale developments incorporating a single type or a variety of residential, commercial, and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Private or public common land and open space should be an essential and major element of the plan which is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character.

**(2) Standards of Development.**

- (a) Ownership Control. The land in a planned unit development district shall be owned,

leased, or otherwise controlled by a person, firm, group of individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the project can be successfully completed.

(b) Minimum District Area. The minimum area for a PD district shall be three (3) acres. In calculating the minimum area for a PD district, the measurements shall include the area of all dedicated streets entirely within the boundary of the proposed PD, and one-half of the area of all boundary or perimeter streets.

(c) Uses Permitted. In order to increase creativity and flexibility in the development of areas suitable for a planned unit development, there are no specifically prescribed uses which are permitted within the boundaries of a planned development. The developer shall be responsible for preparation of a list of permitted uses within the specific planned development requested. The development list shall take into account the nature and purpose of the PD area, and such uses and locations shall be appropriate with the surrounding development.

At the time of the pre-application plan and conference, the applicant shall generally describe the nature and types of land uses to be located within the boundaries of the PD district. At the time of zoning application and consideration of the preliminary plat, a specific written list of uses to be permitted by right shall be submitted for review by the planning commission. Following approval by the planning commission and city council, the list of specific uses permitted by right shall serve as the control list in issuance of building permits and certificates of occupancy.

In addition to the above permitted uses that are established by right, certain other uses may be prescribed by the developer in accordance with the restrictions included herein and said uses are designated as conditional uses. These uses more intensely dominate the area in which they are located than do other uses which might be permitted in the PD district and, as such, they require special considerations and restrictions. If the developer and /or planning commission agree that certain conditional uses should be included within the PD district, the applicant shall precisely indicate the specific use, its location, area to be included, maximum building square footage, and such other information as required by the planning commission to properly and comprehensively evaluate the nature and impact of such conditional uses. When such conditional uses are approved at the time of rezoning, they shall not be subsequently changed to any other use until and unless they are changed to another use that is permitted by right, or the new proposed use if not permitted by right in a PD district, is resubmitted for rezoning approval.

(d) Parking and Off-Street Loading. All uses established with a planned development district shall comply with the off-street parking and loading requirements as established in this Ordinance. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located, or upon adjacent property which is under the control of a property owners association, to which said lot is an automatic participant. In no case, however, shall the cumulative requirements of all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the city.

(e) Perimeter Requirements. In order to assure compatibility with surrounding

development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PD district or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the planning commission shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.

(f) Residential Density Standards. The maximum number of dwelling units permitted within a PD district is dependent upon both the type and number of each type of residential units intended to be included in the PD district. Densities within certain areas of the PD may be beyond the overall limits through a transfer of density. However, overall project densities shall not be exceeded in accordance with the following schedule:

- (1) Eight (8) dwelling units per net residential acre for single-family attached and detached houses and duplexes.
- (2) Fifteen (15) dwelling units per net residential acre for triplexes, fourplexes, and row or terrace housing.
- (3) Eighteen (18) dwelling units per net residential acre for two story, and twenty-seven (27) units per net residential acre for three story apartments.
- (4) Forty (40) dwelling units per net residential acre for high-rise (four stories or more) apartments.

For purposes of calculating densities, net residential acres are defined as gross acres of the PD site minus all public rights-of-ways, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a property owners association shall be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one property owners' association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

#### **14.20.04.1 Purpose**

The purpose of the PD Planned Development District is to:

- (A) Allow for flexibility in the zoning requirements where the result will be a higher quality development;
- (B) Provide for and locate suitable recreational facilities, open space, and other common facilities, while preserving the existing landscape to the greatest extent possible;
- (C) Encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
- (D) Obtain creative and coordinated designs and allow procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this section; and
- (E) Allow for creative development that conforms to the goals and objectives set for in the City of

**14.20.04.2 PUDs and Planned Districts Approved Prior to the Effective Date of this Resolution**

Any Plan Unit Developments (PUDs) or Limited Use overlay districts (LUP) approved prior to the effective date of this Resolution shall continue in accordance with the approved preliminary development plan and final development plans. Modifications, amendments, and expansion of existing planned developments shall be in accordance with Section 14.20.04.10 (Planned Development District Review).

**14.20.04.3 Types of Planned Developments**

The following are the 4 types of planned developments permitted within City of Jonesboro, pending approval by the Metropolitan Area Planning Commission and the City Council:

- (A) “PD-RS” – Residential Planned Development
- (B) “PD-RM” – Multi-Family Residential Planned Development
- (C) “PD-C” – Commercial Business Planned Development
- (D) “PD-I” – Industrial Planned Development
- (E) “PD-M” – Mixed Use Planned Development

**14.20.04.4 Compliance with Plans**

All planned developments approved after the effective date of this Resolution shall comply with the City of Jonesboro Comprehensive Plan and City of Jonesboro Land Use Plan including compliance with the permitted uses, densities, intensities, and other recommendations of the plans.

**14.20.04.5 Permitted Uses**

(A) All uses in a PD District are subject to approval during the review of the preliminary development plan by the Metropolitan Area Planning Commission and the City Council pursuant to Section 14.20.04.10 (Planned Development District Review).

(B) Table 14.20a illustrates the permitted uses within each PD District.

**Table 14.20a Planned Development Use Table**

Table 14.20a Planned Development Use Table					
Use	Planned Development Districts				
	PD-R	PD-RM	PD-C	PD-I	PD-M
Uses Permitted in the RS-1, RS-2, RS-3, RS-4, RS-5, RS-6, RS-7, RS-8,	P				P
RM-4, RM-6, RM-12, RM-16 Districts	P	P			P
Uses Permitted in the C-1, C-2, C-3 or C-4 Districts			P		P
Uses Permitted in the I-1 or I-2 District				P	P

(C) Uses not specifically listed as permitted by these districts may be permitted if the Metropolitan Area Planning Commission and/or City Council determine the uses to be of the same general character as the

above permitted uses.

#### **14.20.04.6 Design Standards**

(A) Design standards for area, lot coverage, density, yard requirements, parking, landscaping, and screening for a proposed PD District shall be established in the PD Preliminary development plan by the Metropolitan Area Planning Commission and City Council.

(B) Exceptions and variations from the standards provided by the base zoning districts of this Resolution (e.g., RS-1, RS-2, C-1, etc.) may, and should be granted by the Metropolitan Area Planning Commission and the City Council when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.

(C) Standards for public infrastructure improvements shall be governed by the applicable regulations of the agency with jurisdiction that is charged with the responsibility for review and approval.

#### **14.20.04.7 Common Open Space**

There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as common open space. The Metropolitan Area Planning Commission and City Council may require additional common open space as warranted by the individual development plan. This minimum percentage of land shall be as follows:

<b>Table 14.20b Planned Development Common Open Space Requirements</b>	
<b>PD District</b>	<b>Common Open Space Requirement</b>
<b>PD-R/RM</b>	20% common open space for planned developments with all residential dwelling units.
<b>PD-C</b>	15% common open space for all planned developments
<b>PD-I</b>	15% common open space for all planned developments
<b>PD-M</b>	20% common open space for all planned developments

(A) Required common open space shall not consist of isolated or fragmented pieces of land that will serve no useful purpose or which will present maintenance difficulties if maintenance is required.

(B) Required common open space may include pedestrian walkways, parkland, open areas, bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, parking areas for any of the above, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street right-of-ways.

#### **(C) Ownership of Common Open Space**

(1) Ownership of common open space in a PD-R and PD-RM shall be transferred by the developer to a legally established homeowners association, or if accepted, to the City Council, or other public or quasi-public agency.

(2) Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership, subject to size and special conditions applied by the Metropolitan Area Planning Commission and City Council.

(3) Common open space in a PD-C, PD-I, or PD-M may also be dedicated to the City of Jonesboro or other public or quasi-public agency pursuant to the above requirements or remain in private ownership,

provided that a public easement, as determined necessary by the Metropolitan Area Planning Commission and City Council, is granted and officially recorded on the plat.

#### **14.20.04.8 Planned Developments Require a District Change**

(A) Section 14.20.04.10 (Planned Development District Review) establishes the development review procedure for a planned development district which will result in a zoning map amendment. Therefore, in addition to all of the specific review procedures and provisions of Section 14.44.05, all proposed PD Districts are also subject to the approval criteria set forth in Section 14.44.05, Section 5 (Text and Map Amendments).

(B) The preliminary development plan shall be submitted at the time a zoning map amendment is requested from the original zoning district to the new planned development district.

#### **14.20.04.9 Planned Development (PD) Initiation**

(A) Planned developments may be initiated by the property owner or an agent of the property owner.

(B) In cases where there are multiple property owners involved in the planned development, the application shall include a “consent to rezone” letter from all property owners. Additionally, there shall be a single contact or agent for the property owners who will be responsible for contact with the City.

#### **14.20.04.10 Review Procedure**

##### **(A) Step 1 – Pre-application Conference**

(1) The applicant shall meet with the City of Jonesboro Planning Department to discuss the initial concepts of the planned development and general compliance with applicable provisions of this Resolution prior to the submission of the application.

(2) During this time, an applicant may also request a preliminary, informal meeting with the Metropolitan Area Planning Commission to discuss the initial concepts.

(3) Discussions that occur during a pre-application conference or a preliminary meeting with staff or the Metropolitan Area Planning Commission are not binding on the City and do not constitute official assurances or representations by City of Jonesboro or its officials regarding any aspects of the plan(s) or application(s) discussed.

##### **(B) Step 2 – Application**

(1) After the pre-application conference with the City of Jonesboro Planning Department, the applicant may submit an application for a zoning map amendment to the City Zoning Office.

(2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Metropolitan Area Planning Commission to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum requirements may be adopted by the City Council.

(3) Each such application shall be signed by at least one of the owners or the owner’s authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts

and information presented with the applications.

(4) Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property the zoning classification of which is proposed to be changed.

(5) All applications shall be submitted with the required fees as established in the City of Jonesboro fee schedule.

(6) The applicant shall submit the preliminary development plan simultaneously with the application for a zoning map amendment.

### **(C) Step 3 – Submission of the Preliminary Development Plan**

(1) The preliminary development plan submission shall be in a form and in quantities as prescribed by the Metropolitan Area Planning Commission. A list of minimum submittal requirements may be adopted by the City Council.

(2) Preliminary development plans should generally include the following:

a.) Approximate areas and arrangement of the proposed uses and the relationship of abutting land uses and zone districts;

b.) The proposed general location of vehicular circulation;

c.) The proposed treatment of existing topography, drainage ways and tree cover;

d.) The location of schools, parks, community amenities or facilities, if any;

e.) Anticipated time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a 2-year time period;

f.) In the case of a PD-R, PD-RM District, the preliminary development plan shall also include the proposed type of unit, density level, and proposed area setbacks of each residential area, and the type, general location and approximate acreage of the common open space. All other miscellaneous and accessory uses shall also be included;

g.) In the case of a PD-C, PD-I, or PD-M, the preliminary development plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size, and intensity. The proposed type, general location and approximate acreage of common open space shall also be included; and

h.) Any other information required by the Metropolitan Area Planning Commission.

(1) Within 25 days after the application (Step 2) and submission of the preliminary development plan (Step 3), the Planning Administrator shall transmit a copy thereto to the Metropolitan Area Planning Commission.

(2) The Metropolitan Area Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed map amendment and preliminary development plan, and shall submit such recommendation to the City Council.

(3) Such recommendation shall be considered at the public hearing(s) held by the City Council on such proposed amendment and preliminary development plan.

**(D) Step 4 – Public Hearing with the Metropolitan Area Planning Commission**

(1) Upon the filing of an application and preliminary development plan for an PD District amendment (Steps 2 and 3), the Metropolitan Area Planning Commission shall set a date for a public hearing regarding the proposed amendment and preliminary development plan.

(2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

(3) Notification shall be given in accordance with Arkansas State Code requirements for advertisement.

**(E) Step 5 – Recommendation by the Metropolitan Area Planning Commission**

Within 30 days after the Metropolitan Area Planning Commission’s public hearing (Step 4), the Metropolitan Area Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, to the City Council.

**(F) Step 6 – Public Hearing with the City Council**

(1) Upon receipt of the recommendation from the Metropolitan Area Planning Commission (Step 5), the City Council shall set a time for a public hearing on such proposed amendment and preliminary development plan.

(2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Metropolitan Area Planning Commission.

(3) Notification shall be given in accordance with Arkansas State Code.

**(G) Step 7 – Decision on Map Amendment and Preliminary Development Plan**

(1) Within 20 days after its public hearing (Step 6), the City Council shall either adopt or deny the recommendations of the Metropolitan Area Planning Commission, or adopt some modification thereof. In the event the City Council denies or modifies the recommendation of the Metropolitan Area Planning Commission, the simple majority of the members present vote of the City Council shall be required.

(2) If the amendment is denied, the applicant may appeal the decision to the Circuit Court system.

(3) Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed Final Development Plans.

(4) The decision by the City Council is subject to appeal by means of the Court system. ~~the same effective date and referendum provisions as set forth in Subsection 4.3.3 (Effective Date and Referendum)~~. After approval of the PD District map amendment and preliminary development plan, ~~and after the subsequent referendum period has ended~~, the Official Zoning Map shall be changed to reflect this amendment.

#### **(H) Step 8 – Submission of a Final Development Plan**

(1) Once the PD District and preliminary development plan has been approved by the City Council, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.

(2) The final development plan submission shall be in a form and in quantities as prescribed by the Metropolitan Area Planning Commission. A list of minimum submittal requirements may be adopted by the City Council.

(3) The detailed final development plan shall be consistent with the contents of the approved preliminary development plan, and be prepared by a professional urban planner, engineer, architect or landscape architect.

(4) A final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within all residential planned developments.

#### **(I) Step 9 – Public Meeting with the Metropolitan Area Planning Commission**

(1) The City of Jonesboro Planning Department shall study the final development plan and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written Recommendations to the Metropolitan Area Planning Commission and the applicant prior to the public meeting held by the Metropolitan Area Planning Commission.

(2) Upon receipt of the detailed final development plan and recommendations of staff, the Metropolitan Area Planning Commission shall, at a public meeting of the Metropolitan Area Planning Commission, study and review the detailed final development plan on the basis that all requirements have been satisfied, and the conditions specified in Subsection *14.44.05* (Approval Criteria) have been met.

#### **(K) Step 10 – Decision by the Metropolitan Area Planning Commission**

(1) Within 30 days of the Metropolitan Area Planning Commission's public meeting (Step 10), the Metropolitan Area Planning Commission shall decide to approve, approve with modifications, or deny the final development plan.

(2) If the final development plan is denied, the applicant may appeal the decision to the City Council.

#### **14.20.04.11 Approval Criteria**

##### **(A) Approval Criteria for a Preliminary Development Plan**

The following criteria shall serve as conditions that should generally be satisfied before the approval of the preliminary development plan:

- (1) The PD District and preliminary development plan is consistent with the adopted City of Jonesboro Land Use Plan and Comprehensive Plan;
- (2) The proposed uses will have a beneficial effect on the community;
- (3) The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network.
- (4) The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development;
- (5) The minimum common open space areas have been designated and shall be duly transferred to a legally established Homeowners Association, where applicable, or have been dedicated to City of Jonesboro or another public or quasi-public agency as provided in Subsection 14.20.04.7 (Common Open Space).
- (6) The preliminary development plan is consistent with the intent and purpose of this Resolution.
- (7) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.

**(B) Approval Criteria for a Final Development Plan**

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

- (1) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan. If deemed necessary by the MAPC or City Council during the preliminary development plan process, this assurance may require that the MAPC or City Council hold a performance bond to ensure the successful and proper completion of all public improvements.
- (2) The proposed detailed final development plan for the individual sections of the overall PD District is consistent in contents (building location--as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan, the City of Jonesboro Land Use Plan, and the Comprehensive Plan.
- (3) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- (4) That any part of the planned development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
- (5) That any exception from the design standards provided in the PD District is warranted by the design and amenities incorporated in the detailed final development plan.
- (6) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the

anticipated traffic within and through the development.

(7) That the detailed final development plan is consistent with the intent and purpose of Article 1 of this Resolution.

(8) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.

#### **14.20.04.12 Time Limits**

(A) The final development plan shall be submitted within two- year after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.

(B) Upon expiration of the preliminary development plan, the property shall still be zoned as a planned development with a voided preliminary development plan. The property owner or authorized agent may submit an application and new preliminary development plan for consideration pursuant to Subsection 14.20.04.10 (Review Procedure) or an application for a zoning map amendment.

(C) Upon the expiration of the preliminary development plan, the City Council or the Metropolitan Area Planning Commission may initiate a zoning map amendment.

(D) If the applicant has not received building permits within two-year of the approval of the final development plan, the final development plan shall be deemed null and void. Upon expiration of the final development plan, the applicant shall have one-year to reapply for a final development plan in accordance with the section or the preliminary development plan will be deemed null and void in accordance with Paragraph (A) above.

(E) The Metropolitan Area Planning Commission may authorize and extension of these time limits if good cause is shown for the delay of the final development plan submission.

(F) For phased developments, the Metropolitan Area Planning Commission and City Council may approve a phased final development plan schedule as part of the preliminary development plan approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

#### **14.20.04.13 Effect of a Final Development Plan**

(A) The approved final development plan shall be kept on record in the City of Jonesboro Planning Department together with all resolutions, applications, plats, plans, and other information regarding the development.

(B) The Resolutions prepared by the Metropolitan Area Planning Commission and City Council serve as the official record for the permitted uses and activities which are approved for the planned development landholding.

(C) The use of the planned development landholding or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this Resolution and subject to the procedures and penalties specified in Section 14.44.04 (Violations and Penalties).

#### **14.20.04.14 Required Conditions for the Issuance of a Zoning Certificate**

No Zoning Certificate shall be issued for any property in a PD District and no construction, except

preliminary excavation, shall begin until a valid final development plan is in effect for that phase or property. The final development plan becomes valid upon approval by the Metropolitan Area Planning Commission.

#### **14.20.04.15 Modifications to Approved Preliminary or Final Development Plans**

(A) If an applicant proposes to modify an approved preliminary development plan or final development plan, the applicant shall submit the proposed modifications to the Planning & Zoning Administrator for transmittal to the appropriate authority.

(B) The proposed modifications shall be classified as a minor or major modification based on the following:

##### **(1) Minor Modifications**

Minor modifications shall include changes that do not involve:

a.) Major changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the district or changes to the location or amount of land designated for a specific land use or open space;

b.) A change of the permitted uses to a use not otherwise permitted in the proposed planned development district;

c.) Any change that will impact on- or off-site infrastructure; or

d.) An expansion of a building footprint that affects the specified setbacks of the approved plan.

##### **(2) Major Modifications**

Major modifications shall include:

a.) An increase in density or intensity;

b.) Changes to the property or project boundaries of the entire PD District;

c.) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations; or

d.) Anything not classified as a minor modification above;

##### **(C) Review of Minor Modifications**

(1) The Metropolitan Area Planning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development plan or final development plan.

(2) Such review and decision shall take place at a public meeting of the Metropolitan Area Planning Commission and shall not require any additional notice beyond what is required by the Arkansas State Code for public meetings.

(3) The decision of the Metropolitan Area Planning Commission on minor modifications shall be deemed administrative and may be appealed to the City Council.

**(D) Review of Major Modifications**

Major modifications to an approved preliminary development plan or final development plans shall require a public hearing with the Metropolitan Area Planning Commission and City Council pursuant to the review procedure of this section.

**Appendix A**

**Pre Application/Conceptual Review Planned District (PD) Checklist**

The development concept of all land areas encompassed by the concept development plan shall be adequately described in scaled drawings and related reports. Applicants shall define the general form and extent of proposed development in sufficient detail to demonstrate compliance with all development and performance requirements. At a minimum, the application shall include the following:

- \_\_\_\_\_ 1. The conceptual development plan shall be prepared by a registered professional architect or engineer licensed to practice in the State of Arkansas and submitted on a suitable medium. The drainage/grading conceptual plans, and street and site layouts, specifically, shall be prepared by a professional civil engineer licensed to practice in the State of Arkansas. The conceptual development plan shall bear a legible stamp of the architect or engineer preparing the plan on each page submitted;

- \_\_\_ 2. Parcel size (acreage and square footage);
- \_\_\_ 3. Total square footage of building coverage;
- \_\_\_ 4. Density (number of residential units per net acre);
- \_\_\_ 5. Total square footage of private open space provided for each residential unit, if applicable;
- \_\_\_ 6. Total square footage of common open space provided on the total site for the use and benefit of all the occupants, less parking lots, streets and driveways, if applicable;
- \_\_\_ 7. North arrow and graphic scale;
- \_\_\_ 8. Proposed public utility layouts (sewers, water, electricity, gas, etc.) showing feasible connections to the existing or proposed public utility systems;
- \_\_\_ 9. Location of existing and platted property lines, streets, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, wetlands and the zoning classification of the proposed Planned District of the adjacent land;
- \_\_\_ 10. Contour intervals of two feet (2');

**Appendix B**  
**Preliminary Planned District (PD) Checklist**

Preliminary Planned Developments Application Checklist

The development concept of all land areas encompassed by the preliminary development plan shall be adequately described in scaled drawings and related reports. Applicants shall define the general form and extent of proposed development in sufficient detail to demonstrate compliance with all development and performance requirements. At a minimum, the application shall include the following:

- \_\_\_ 1. The preliminary development plan shall be prepared by a registered professional architect or engineer licensed to practice in the State of Arkansas and submitted on a suitable medium. The drainage/grading conceptual plans, and street and site layouts, specifically, shall be prepared by a professional civil engineer licensed to practice in the State of Arkansas. The preliminary development plan shall bear a legible stamp of the architect or engineer preparing the plan on each page submitted;
- \_\_\_ 2. Parcel size (acreage and square footage);
- \_\_\_ 3. Total square footage of building coverage;
- \_\_\_ 4. Density (number of residential units per net acre);
- \_\_\_ 5. Total square footage of private open space provided for each residential unit, if applicable;
- \_\_\_ 6. Total square footage of common open space provided on the total site for the use and benefit

of all the occupants, less parking lots, streets and driveways, if applicable;

- \_\_\_ 7. North arrow and graphic scale:
- \_\_\_ 8. Proposed public utility layouts (sewers, water, electricity, gas, etc.) showing feasible connections to the existing or proposed public utility systems;
- \_\_\_ 9. Location of existing and platted property lines, streets, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, wetlands and the zoning classification of the proposed PD and of the adjacent land;
- \_\_\_ 10. Contour intervals of two feet (2');
- \_\_\_ 11. The names, right-of-way and surface widths, grades and locations of all proposed streets. The location and dimensions and use of proposed easements; and, location and dimensions of proposed open space;
- \_\_\_ 12. Proposed profile of street grades;
- \_\_\_ 13. Areas within the PD that are designated to be developed in phases shall be clearly indicated with a date of completion for each phase indicated;
- \_\_\_ 14. Proposed streets shall be designated as public dedicated or private streets;
- \_\_\_ 15. General provisions for drainage of surface water shall be submitted in sufficient detail to provide for a conceptual review by the City Engineer. Drainage plans shall provide a description and drawings prepared by a professional civil engineer licensed to practice in the State of Arkansas. The drainage plan shall indicate general provisions to provide drainage for the PD and for adjacent areas affected by drainage across or from said development.
- \_\_\_ 16. Preliminary development plans shall be submitted in twelve (12) copies at a scale of one inch (1") equals one hundred feet (100'); Digital PDF files are required to be submitted with the application of each sheet in the set of documents.
- \_\_\_ 17. Traffic impact study prepared by a registered professional engineer, if requested by the city planner;
- \_\_\_ 18. Conceptual landscape plan indicating plant materials and location; and buffer yards;
- \_\_\_ 19. PD developments shall include the following additional information:
  - \_\_\_ Lot design and layout of multi-family;
  - \_\_\_ Typical square footage of each dwelling unit type;
  - \_\_\_ Minimum setbacks;
  - \_\_\_ Floor area ratios of all nonresidential uses;
  - \_\_\_ Location and square footage of all nonresidential uses; and

\_\_\_ Height of structures in stories and feet.

### Appendix C

#### Final PD Checklist

Final Planned Developments Plan Application Checklist-At a minimum, the final development plan shall contain all information required in the preliminary development plan, plus the following and be submitted on a suitable medium;

- \_\_\_ 1. Letter from the applicant requesting a final development plan review;
- \_\_\_ 2. Description of the maintenance provisions of the development, where applicable;
- \_\_\_ 3. Survey of the property;
- \_\_\_ 4. Starting date and dates when various phases are projected to be completed;
- \_\_\_ 5. Indication, in feet, of the interior curb radius for all vehicle turning movements within, into and off the site;
- \_\_\_ 6. Illustration of proposed street improvements to be provided in relation to property lines including additional dedication, if required, and width of curb cuts;
- \_\_\_ 7. Illustration of existing and proposed water supply for fire protection; utility systems including sanitary sewers, water, electric, cable television, gas and telephone; necessary easements for said utilities indicated and evidence of approval from the responsible utility providers. Illustration of existing storm sewers, ditches or waterways; and, dedicated easements for said drainage indicated and approved by the City Engineer as to the adequacy of said easement for maintenance access;
- \_\_\_ 8. Illustration of location of structures, structure dimensions including building height and dimensional distances between structures. Where structures abut a public or private street right-of-way the dimensions from structure foundations to said right-of-way shall be indicated. The dimensional distances between structures shall be measured to the nearest point of the structure; and
- \_\_\_ 9. Landscape, Lighting and Signage Plan. Detailed landscaping plan showing the spacing, size and specific types of landscaping material for all areas of the PD that are designated as common usable open space, plus the landscaping requirements. A detailed lighting and signage plan depicting photometric calculations at property boundary lines and a location and description of all proposed project signage.
- \_\_\_ 10. The final development plan shall be prepared by a registered professional architect or engineer licensed to practice in the State of Arkansas and submitted on a suitable medium. The drainage plans (and stormwater and grading plans, if required), and street construction details, specifically, shall be prepared by a professional civil engineer licensed to practice in the State of Arkansas. The preliminary development plan shall bear a legible stamp of the architect or engineer preparing the plan on each page submitted;

- \_\_\_ 11. Parcel size (acreage and square footage);
- \_\_\_ 12. Total square footage of building coverage;
- \_\_\_ 13. Density (number of residential units per net acre);
- \_\_\_ 14. Total square footage of private open space provided for each residential unit, if applicable;
- \_\_\_ 15. Total square footage of common open space provided on the total site for the use and benefit of all the occupants, less parking lots, streets and driveways, if applicable;
- \_\_\_ 16. North arrow and graphic scale;
- \_\_\_ 17. Proposed public utility layouts (sewers, water, electricity, gas, etc.) showing feasible connections to the existing or proposed public utility systems;
- \_\_\_ 18. Location of existing and platted property lines, streets, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, wetlands and the zoning classification of the proposed PD and of the adjacent land;
- \_\_\_ 19. Contour intervals of two feet (2');
- \_\_\_ 20. The names, right-of-way and surface widths, grades and locations of all proposed streets. The location and dimensions and use of proposed easements; and, location and dimensions of proposed open space;
- \_\_\_ 21. Proposed profile of street grades;
- \_\_\_ 22. Areas within the PD that are designated to be developed in phases shall be clearly indicated with a date of completion for each phase indicated;
- \_\_\_ 23. Proposed streets shall be designated as public dedicated or private streets;
- \_\_\_ 24. Adequate provisions for drainage of surface water shall be submitted in sufficient detail to provide for a review by the City Engineer. Drainage plans shall provide a description, specifications and drawings prepared by a professional civil engineer licensed to practice in the State of Arkansas. The drainage plan shall indicate adequate provisions to provide drainage for the PD and for adjacent areas affected by drainage across or from said development. Grading and stormwater plans are also required.
- \_\_\_ 25. Final development plans shall be submitted in twelve (12) copies at a scale of one inch (1") equals one hundred feet (100'); Digital PDF files are required to be submitted with the application of each sheet in the set of documents.



## Chapter 14.24

### Conditional Uses

#### Sections:

- 14.24.01 Nature and Description
- 14.24.02 Development Standards and Review Guidelines
- 14.24.03 Procedure for Authorizing
- 14.24.04 Effect of Approval

14.24.01 Nature and Description. Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as conditional uses, and may be located in the district or districts so designated only in accordance with the procedure described herein.

14.24.02 Development Standards and Review Guidelines. All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrianways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (a) The proposed use is within the provision of conditional uses as set out in this Ordinance.
- (b) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- (c) The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.

- (d) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- (e) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this Ordinance.
- (f) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian-ways are sufficiently adequate, and not inconsistent with requirements of this Ordinance.
- (g) The proposed landscaping and screening of the proposed use are in accordance with provisions of this Ordinance.
- (h) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

14.24.03 Procedure for Authorizing. The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) Application. An application shall be made by the property owner and filed with the city planner, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. The application shall be accompanied by graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

The filing deadline for inclusion on the planning commission agenda shall be the 17<sup>th</sup> day of the month preceding the planning commission meeting. Should the 17<sup>th</sup> fall on a weekend or holiday, the next following workday shall be the filing deadline.

- (b) Notice. Upon determining that an application is proper and complete, the city planner shall insure that the matter is set for public hearing before the planning commission. The city planner shall be responsible for insuring that, pursuant to law, at least fifteen (15) days notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence to the city planner, at least ten (10) days prior to the required public hearing, that all property owners within two hundred feet (200') of the boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of

notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified.

(c) **Planning Commission Review and Action.** The planning commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month, deny the application, or refer it to the city council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the commission.

In approving such conditional uses, the planning commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable.

In no case shall the planning commission or city council authorize reduction from minimum requirements of this Ordinance relating to height, area, setbacks, parking, or landscaping. In addition, no conditional use authorized by the planning commission or city council shall be subsequently considered in connection with a variance request to the Board of Zoning Adjustment.

If the planning commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant with fifteen (15) days from the date of the decision. The applicant may appeal such commission action, or any condition(s) placed upon application approval, to the city council within thirty (30) days of the commission's action. The appeal shall be in writing to the City Clerk, and shall specifically state why the planning commission's findings and decision was arbitrary, capricious, and inappropriate. If denied, no application for such use or similar use shall be permitted involving any part of the same property for a period of six (6) months.

14.24.04 Effect of Approval. No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures with the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the planning commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of this Ordinance, and cause for revocation of the conditional use authorization.

Provided sufficient site information is submitted with the approved development plan, the planning commission may waive otherwise mandated site plan review requirements.

### **14.25.01 Mobile Vending Trailers:**

SECTION 1: 14.25.01 PURPOSE. The purpose of this ordinance is to establish standards to regulate the use and location of commercial trailers in the City of Jonesboro. These standards are necessary to promote public safety and preserve property values.

SECTION 2: 14.25.02 APPLICABILITY. This ordinance shall apply to any commercial trailer or vending stand that is transported to property within the City limits of Jonesboro. A commercial trailer or vending stand is defined as a transportable structure not permanently attached to the ground which is used on a short-term basis to conduct a commercial activity such as, but not limited to, the sale of merchandise or food. Vending carts and tables shall be included in this definition.

SECTION 3: 14.25.03 GENERAL PROVISIONS. The following provisions shall apply to commercial trailers.

(A) Commercial trailers and vending stands shall be permitted only in zoning districts which permit the specific use for which the trailer is intended as permanent sited location, unless otherwise allowed by this ordinance.

(B) Prior to locating a commercial trailer or vending stand on any parcel, a building permit must be obtained. The trailer or stand must be permanently attached to a foundation with an approved permit issued. Only one commercial trailer is permitted on each parcel, unless provide for otherwise within this ordinance.

(C) At the time a building permit is requested, a site plan shall be provided of the parcel on which the trailer is to be located. The site plan shall show the boundaries of the parcel, all existing buildings and their dimensions, parking areas and the number of spaces, and the proposed location of the trailer.

When applicable, a State Health District approval letter shall accompany the permit application for products under the jurisdiction of the State Health District. Use of the commercial trailer or vending unit shall not commence until a final occupancy certificate is issued by the Building Department.

(D) A minimum of three parking spaces shall be provided for the use of employees and customers. This requirement is in addition to the number of parking spaces required for the existing buildings on the parcel. The trailer or stand may not be placed on the parcel if its placement would cause the parcel to no longer meet the zoning ordinance requirement for minimum number of parking spaces.

(E) The trailer must meet the minimum setback requirements for the zoning district in which it is located. In no instance may a commercial trailer or vending stand be located within a public right of way, unless otherwise permitted by this ordinance.

(F) The trailer/unit must be inspected by the City Electrical Inspector to ensure the safety of the outside electrical connections.

(G) The trailer must not be placed in a location which may be unsafe for its occupants, customers, and the vehicles which must pass by.

SECTION 4: Special Exceptions and Exempted Activity:

1. Seasonal Inventory Trailers shall be permitted by permit for a period not to exceed 3 months, and must be placed in the rear yard of the subject property or docking area.
2. Vending units shall be permitted in the Industrial Park Area at manufacturing plants zoned I-2 Industrial, for a time duration not to exceed 2 hours, with a permit application including an approval letter from the ownership provided to the Planning Department.
3. Vending units shall be permitted at city-wide amusement fairs, festivals, parades, athletic events and games, if and only if, the business representative secures a valid business license after giving proof of owner's consent.
4. Sidewalk sales that are located at the front entrance to the building structure, and not in parking areas nor along public right of ways shall be exempt from this ordinance if the products sold are part of the principal use of the commercial property. Inventory sales shall satisfy all applicable building setbacks for the associated Zoning District.
5. Ice cream trucks shall be exempted from this ordinance, but must not be in business at an extended and stationary location.
6. Temporary Tent Sales shall be permitted in areas Zoned for C-3 Commercial for a maximum of 30 days; the structure must be placed no closer than 35 ft. to any right of way line, and required parking for the principal use must not be utilized by the tent location. The business representative must secure site plan review and a valid business license after giving proof of owner's consent.

*ORD 08:005, Adopted February 19, 2008.*

## Chapter 14.28

### Accessory Uses

#### Sections:

- 14.28.01 General Description
- 14.28.02 Location Requirements and Standards
- 14.28.03 Residential Accessory Uses
- 14.28.04 Nonresidential Uses

14.28.01. General Description. An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one which is customarily incidental, appropriate and subordinate to the principal use of land and buildings, and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

14.28.02. Location Requirements and Standards. An accessory building shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; shall be set back at least seven and one-half feet (7.5') from a rear lot line; shall not be located within any public easement or over any known utilities or septic system lines; and shall not occupy more than ten percent (10%) of the lot area or more of the lot than is covered by the principal use, whichever results in less lot coverage. Accessory buildings shall not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet (10') from any other structure.

With regard to height limitations, accessory structures in residential districts shall not exceed twelve feet (12') in height, measured from the eave; and in commercial and industrial districts, such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot.

#### **ACCESSORY USES: PERMITTED SUBJECT TO PROVISIONS OF THIS CHAPTER .**

**RS – 1 through RS – 2:** Single Family Dwellings only. Accessory dwelling structures are permitted, but may not exceed 25 % of the heated square footage of the primary residence (maximum 1500 sf. ft.). Accessory buildings (storage, and miscellaneous buildings) are permitted, but shall not exceed 50% of the total area of the principle structure. Any accessory buildings shall be similar in architectural style and

appearance to the primary dwelling and must be placed in the rear yard only. Any structure exceeding 1500 sq. ft. must be reviewed by MAPC as a conditional use application. *(Revised: ORD-07:45, February 6, 2007).*

**RS – 3 through RS – 5:** Single Family Dwellings only. Accessory dwelling structures are permitted only as a conditional use. Accessory buildings are permitted in the rear yard only (storage and miscellaneous buildings), but shall not exceed 600 SF. Any accessory buildings shall be similar in architectural style and appearance to the primary dwelling and must be placed in the rear yard only. *(Revised: ORD-07:45, February 6, 2007).*

**RS – 6 through RS – 8:** Single Family Dwellings only. Accessory dwelling structures are permitted only by conditional application to the MAPC. Accessory buildings (storage and miscellaneous buildings) are permitted, but shall not exceed 50% of the total area of the principle structure. Any accessory building shall be similar in architectural style and appearance to the primary dwelling and must be placed in the rear yard only. *(Revised: ORD-07:45, February 6, 2007).*

**RS – 1 through RS – 8:** “In-home” occupations are permitted in compliance with Sec. 14.28.03 (b). The approval shall only be granted to the occupant at the permission of the owner of the property. Applications shall include a description of the proposed “in-home” occupation including considerations of noise, traffic, odor, drainage, visual appearance, light, vibration, and the proposed hours of use or operation. A site development plan shall only be required if there is not ample space in the existing driveway and/or parking area to provide a minimum of four “off-street” parking spaces. *(Revised: ORD-07:45, February 6, 2007).*

14.28.03. Residential Accessory Uses. Residential accessory uses shall include, the following accessory uses, activities, facilities and structures: accessory dwelling units (subject to limitations outlined in (a) below); fences and walls; garages, carports and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of (b) below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.

A nameplate sign, that is, a sign bearing the name and/or address, occupation, and communication number of a person or use occupying the premises, shall be permitted as a residential accessory use. Such sign shall be unanimated and non-illuminated, not over two (2) square feet in area, and placed flat against a wall or door of the principal building. In addition, a real estate sign, that is, a temporary sign advertising the premises for lease, rent, or sale, is also permitted as an accessory use. Such sign shall be unanimated and non-illuminated, shall not exceed four (4) square feet in area, and shall not be placed on public right-of-way.

(a) Accessory Dwelling Unit. Accessory dwelling units shall be allowed by right in AG, RR, and R-O districts provided that the dwelling unit is used to house immediate family members or employees who work on-site. Such units may also be allowed, subject to conditional use approval, in other residential districts. Accessory dwelling units shall not be used for general rental purposes.

(b) Home Occupations Permitted. A home occupation shall be allowed as an accessory use in residential districts subject to compliance with the following requirements, which are intended to balance protection of residential character with enabling residents to work from home:

- (1) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner; provided a nameplate sign, as described above shall be permitted.
- (2) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
- (3) The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
- (4) The home office or business does not cause interference with radio or television reception in the vicinity.
- (5) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
- (6) The home office or business sells no articles on the premises which are not produced on the premises.
- (7) A home occupation shall be carried on wholly within the principle residential structure. No home occupations shall be allowed in accessory buildings or garages.
- (8) The home office or business occupies no more than twenty-five percent (25%) of the total floor area of the residence.
- (9) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
- (10) Not more than one (1) truck of not more three-fourths ton capacity, and no semi-trailers, incidental to the home occupation, shall be kept on the premises.
- (11) Customers may visit the site only during the hours of 8 am to 8 pm, and no more than six (6) customers or clients may visit the site in any single day.
- (12) Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.

(c) Home Occupations Prohibited. Prohibited home occupations include, but as not limited to the following:

- (1) Barber and beauty shops.
- (2) Dispatch centers, where employees come to the site to be dispatched to other locations.
- (3) Commercial stables, kennels, and animal boarding and care facilities.
- (4) Assembly or repair of large appliances.
- (5) Repair or assembly of vehicles or equipment with internal combustion

engines, or any other work related to motor vehicles and their parts.

(d) **Garage Sales.** Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:

- (1) Each such sale shall be registered in writing or by telephone with the Planning and Inspection Department.
- (2) Each property address and/or person shall be limited to no more than four (4) such sales per year.
- (3) Sales shall not last longer than two (2) consecutive days.
- (4) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
- (5) No goods purchased for resale may be offered for sale.
- (6) No consignment goods may be offered for sale.
- (7) Directional and advertising signs, not larger than four (4) square feet, shall be free-standing; that is, they shall not be placed on traffic or official signs, utility poles or trees; and shall be removed promptly after completion of the sale.

14.28.04 Nonresidential Accessory Uses. Nonresidential accessory uses are allowed only in association with allowed, nonresidential principal uses and shall include, but not be limited to the accessory uses, activities, facilities and structures enumerated below. Such uses shall not be permitted if such would cause or increase parking nonconformity for the principal use. Such use may also necessitate additional required parking because of its own nature or character. Accessory uses shall not occupy required parking areas, or off-street parking areas (spaces or isles) approved as part of a site plan.

- (a) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use;
- (b) Dwelling units, other than mobile homes, when used or intended to be used for security or maintenance personnel;
- (c) Guard houses, gates, fences and walls;
- (d) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;
- (e) Parking garages, and off-street parking and loading facilities;
- (f) Radio and television receiving antennas;
- (g) Restaurants, newsstands, gift shops, swimming pools, tennis courts, club and lounges when in a permitted hotel, motel or office building;
- (i) Sale of goods produced as a part of allowed industrial activities when on the same

site as the principal industrial use;

(j) The storage of merchandise when located within the same building as the principal business;

(k) On-premise commercial, bulletin, nameplate, and real estate signs, provided such are non-flashing.

(l) Other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.

## Chapter 14.32

### Special Conditions Applicable to Certain Uses

#### Sections:

- 14.32.01 General
- 14.32.02 Adult Entertainment
- 14.32.03 Auto Wrecker Service
- 14.32.04 Auto Wrecking, Salvage, and Junkyards
- 14.32.05 Car Washes
- 14.32.06 Emergency Housing
- 14.32.07 Floodplain Development
- 14.32.08 Manufactured Housing Parks
- 14.32.09 Manufactured Housing Units
- 14.32.10 Manufactured Housing Units, Residential Design
- 14.32.11 Off-Premise Signs (Outdoor Advertising)

Section 14.32.01 General. Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this Chapter.

Section 14.32.02 Adult Entertainment. All adult entertainment uses shall be subject to the following standards:

- (a) Separation From Other Adult Entertainment Uses. The building housing an adult entertainment use shall not be located within three thousand feet (3,000') of any other adult entertainment use. This three thousand foot (3,000') area shall be defined by a radius of three thousand feet (3,000') measured from the exterior wall of the subject building.
- (b) Separation From Other Uses. The building housing an adult entertainment use shall be located at least two thousand feet (2,000') from the following uses: church; library; day care center; elementary, middle or high school; and single-family, duplex or multi-family residential uses. This distance shall be defined by a radius of two thousand feet (2,000'), measured from the exterior wall of the subject building.
- (c) Prohibited Activities. An adult entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public right-of-way. This provision shall apply to any and all displays, decorations or show windows.

Section 14.32.03 Auto Wrecker Service. A wrecker service is a business enterprise from which wrecker vehicles are dispatched to tow or haul inoperable or wrecked motor vehicles, and may or may not include the temporary storage, for a period not to exceed thirty (30) days, of

such vehicles. All temporary storage of said wrecked or inoperable motor vehicles shall be screened entirely within an enclosed opaque fence or wall, except driveway areas, from six (6) to eight (8) feet in height, and containing no advertising thereon. Any temporary storage between the street and such fence, or on street right-of-way, is expressly prohibited. A period of eighteen (18) months from the effective date of this Ordinance shall be allowed existing uses to comply with these screening requirements. After this period, they shall be deemed in violation.

Section 14.32.04 Auto Wrecking, Salvage, and Junkyards. Because of the nature and character of their operations, motor vehicle wrecking and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon 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 a vehicular wrecking or junkyard properly minimizes its objectionable characteristics, the standards established below shall be used.

(a) Location. Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred feet (300') to any residential district.

(b) Screening. The interior area of any existing salvage or wrecking operation shall be screened from view by fencing, not to exceed eight feet (8') in height, within two (2) years after the effective date of this Ordinance. New salvage and wrecking yards shall be so screened as a condition of approval. Such screening shall be uniform, consistent, and neat in appearance, and shall be properly maintained during the life of the use. No advertising shall be placed on said screening, provided an identification sign not to exceed twelve (12) square feet may be placed thereon. Storage between the street and such screening is expressly prohibited, as is the stacking of such vehicles above or beyond such screening.

Section 14.32.05 Car Washes. Car washes and similar such establishments shall provide paved parking for at least five (5) vehicles, plus stacking space for a like number of vehicles. Where any such use is located on a lot abutting a residential district, and where any part shall be built along such line, any entrance or exit therefrom shall be by way of a major street. Wastewater from such establishments shall not be allowed to run into the street or storm sewer; rather, such discharge of wastewater shall be into a sanitary sewer.

Section 14.32.06 Emergency Housing Units. Emergency housing units may be approved as conditional uses in R-2, and less intensive districts for the purpose of providing temporary accommodations for persons in need of daily assistance due to health reasons. The following regulations shall apply to emergency housing units:

(a) **Hardship.** Before approving a conditional use for an emergency housing unit, the Planning Commission shall determine that the applicant has a special need to provide temporary, nearby living quarters for a relative who needs daily assistance due to health reasons. The applicant shall provide proof of such hardship, evidenced by a letter from a physician or other appropriate professional. The Commission shall also determine that allowing an emergency housing unit would alleviate a social, economic or physical hardship for the resident of the principal dwelling or the resident of the emergency unit. Consideration of the effect on adjoining property shall also be factored into the Commission's decision. A permit granted for such purposes shall expire no later than one year from the date of approval. The Commission may approve a one time extension of up to one year of this period if the applicant applies for such extension within the original one year time period.

(b) **Unit Type.** Only manufactured housing units or residential-design manufactured housing units may be approved for emergency placement.

(c) **Removal.** Upon expiration of a conditional use permit for an emergency housing unit, the unit shall be promptly vacated, and within ninety (90) days of permit expiration, be removed from the premises.

14.32.07 Floodplain Development. The designated floodplain area is inclusive of all land within the city subject to inundation by floodwater. The source of this delineation shall be the flood insurance study, including the flood insurance rate maps, for the City of Jonesboro, Craighead County, Arkansas.

The uses of and/or development of land within the designated floodplain area shall be only those uses and structures permitted in the specific district regulations for the zone in which the proposed use and/or development is to be located. For the purposes of administration and review of applications for the use and/or development of land within designated floodplain areas, the City of Jonesboro, Flood Damage Prevention Ordinance is deemed the governing regulations.

14.32.08 Manufactured Housing Parks. Manufactured housing parks are permitted uses in AG and RR districts, and may be allowed in R-3 zones subject to approval of a conditional use permit. The following minimum standards apply to new parks, and expansions of existing parks:

(a) **Setbacks.** Each manufactured housing unit space shall be set back at least thirty feet (30') from all street right-of-ways, and at least twenty feet (20') from all other lot lines.

(b) **Minimum Lot Size and Space Size.** Manufactured housing parks shall contain at least four thousand three hundred fifty (4,350) square feet of gross site area for each manufactured housing unit space within the park. Each individual manufactured housing unit space shall be at least three thousand (3,000) square feet in area, but shall not occupy more than fifty percent (50%) of the lot area.

(c) Separation of Units. Each manufactured housing unit and accessory structure shall be separated by at least twenty feet (20') of horizontal distance from all other manufactured housing units and accessory structures.

(d) Parking. At least two paved parking spaces, one hundred eighty (180) square feet in area in each space shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) square feet in area, shall be provided for each ten (10) manufactured housing unit spaces. These guest parking spaces shall be centrally located within the park.

(e) Driveways.

(1) Length and Design. Internal driveways or courts designed to have one end permanently closed, shall be no more than four hundred feet (400') long unless approved by the Planning Commission. A turn-around having an outside roadway diameter of at least eighty feet (80') shall be provided at the closed end of any driveway.

(2) Paving. All internal driveways shall be paved with asphalt. The minimum requirements are six inches (6") of compacted SB2 gravel with three inches (3") of asphalt surface on firm subgrade. Property owners shall be responsible for maintaining paving on all internal driveways.

(3) Width. Drive shall have a minimum paved width of twenty-six feet (26'). One-way drives are specifically prohibited.

(f) Signs. One detached, indirectly illuminated sign, not exceeding twenty (20) square feet in area, may be erected at the main entrance to the manufactured housing park.

(g) Refuse Collection Facilities. Refuse collection facilities and/or provisions shall be indicated on the site plan, and shall be provided in accordance with Jonesboro Sanitation Department standards. There shall be opaque screening on three (3) sides of dumpsters.

(h) Fire Protection. Fire lines and fire hydrants shall be shown on the site plan, and shall be in accordance with recommendations of the Director of Public Safety. No mobile home/manufactured housing unit space shall be more than two hundred fifty feet (250') from a fire hydrant.

(i) Water and Wastewater Service. Each mobile home/manufactured housing unit shall be connected to the public sanitary sewer and a public water supply system.

(j) **Underground Utilities.** All light, gas, water, telephone and cable television distribution and service lines to each individual mobile home/manufactured housing unit shall be placed underground and conform to all state and local codes, ordinances and laws.

(k) **Inspections.** It shall be the duty of the Building Inspector to make an annual inspection of each approved manufactured housing park and present to the park owner and unit owner a written list of existing violations, should there be any.

(l) **Resident Managers.** In manufactured housing parks containing thirty (30) or more units, a manager must reside with the park area.

14.32.09 Manufactured Housing Units. Manufactured housing units (those that do not meet the definition of residential design, manufactured housing units) shall be located only in approved locations. No permit or other approval shall be granted for the placement of a manufactured housing unit that is more than eight (8) years old, as measured from the date that the permit or approval is sought, or be reconditioned to meet code.

14.32.10 Manufactured Housing Units, Residential Design. Compliance with all of the standards of this section is required in order for a manufactured housing unit to be classified as a residential design, manufactured housing unit.

(a) **Size.**

(1) The minimum width of a residential design, manufactured housing unit shall be twenty-two feet (22'), with width measured perpendicular to the longest axis at the narrowest part.

(2) The length of a residential design, manufactured housing unit shall not exceed four (4) times its width, with length measured along the longest axis.

(3) A residential design, manufactured housing unit shall have a minimum area of one thousand one hundred fifty (1,150) square feet (enclosed and heated living area).

(b) **Roof.**

(1) **Pitch.** The roof must be predominantly double-pitched and have a minimum vertical rise of two inches (2") for every twelve inches (12") of horizontal run.

(2) **Materials.** The roof must be covered with material that is customarily used on site-built housing units. Customary materials include wood, asphalt composition shingles, or fiberglass shingles, but not aluminum, corrugated fiberglass, or metal.

(3) Eaves. The roof shall have a minimum eave projection and roof overhang of ten inches (10"), which may include a gutter.

(c) Siding.

(1) Materials. Exterior siding must be of a material customarily used on site-built housing units. Customary materials include wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials. Customary materials do not include smooth, ribbed or corrugated metal or plastic panels or material that has a high gloss finish.

(2) Design and Placement. Siding material shall extend below the top of the foundation or curtain wall, or the joint between the siding and enclosure wall shall be flashed in accordance with the city's adopted building code.

(d) Installation of Unit.

(1) Guidelines. The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Conference of Building Officials (ICBO) and published in the most recent edition of Guidelines for Manufactured Housing Installations.

(2) Foundation. A continuous, permanent concrete or masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the unit, also in accordance with the above referenced ICBO guidelines.

(e) Entrance Landing Area. At the main entrance door to the unit there shall be a landing that is a minimum of five feet (5') which is constructed in accordance with building code requirements.

(f) Transport Equipment. All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.

(g) Finished Floor Elevation. The finished floor of the unit shall meet the manufacturer's specifications unless the unit is located in a floodplain; in which case floodplain regulations shall rule.

(h) Additions. Attached additions and detached garages shall comply with the building code, and floodplain regulations, if applicable. All standards of this section shall apply to such additions and garages.

**Section 14.32.11 Off-Premise Signs (Outdoor Advertising).** Off-premise signs are expressly prohibited along the route generally known as Crowley’s Ridge Parkway National Scenic Byway. The prohibition applies to the continuous stretch of roadway through the City described (from north to south) as follows:

South on Old Greensboro Rd. (S. H. 351), from the city limit line near Macedonia Rd., to Johnson Ave. (U. S. 49); southwesterly on Johnson Ave. to Stadium Blvd. (U. S. 49); south on Stadium Blvd. to Aggie Rd.; west on Aggie Rd. to Robinson St.; south on Robinson St. to Marshall St.; west on Marshall St. to Caraway Rd.; south on Caraway Rd. to Matthews Ave.; west on Matthews Ave. to Main St.; north on Main St. to Cate Ave.; west on Cate Ave. to Union St.; south on Union St. to Oak Ave.; east on Oak Ave. to Main St.; south on Main St. to Highland Dr. (S. H. 18); east on Highland Dr. to Harrisburg Rd. (S. H. 1B); south on Harrisburg Rd. ( S. H. 1B and S. H. 163) to the city limit line.

### **Section 14.32.11 Off-Premise Outdoor Advertising Sign Standards**

**(a). Purpose**

This Ordinance establishes the regulations for the continuing use of Off-Premise Outdoor Advertising Signs or billboards (herein after referred to as “*Off-Premise Sign*”) in order to encourage an attractive environment, to promote the development of businesses and organizations, to inform and direct the general public, to protect and enhance the physical appearance of the community, to ensure public safety along streets and highways.

The purpose of regulating Off-Premise Signs (billboards) is to:

- (1). Assure compatibility of billboards with surrounding land use;
- (2). Enhance the economy of Jonesboro;
- (3). Protect the public interest in streets and highways;
- (4). Promote and maintain the safety and general welfare of citizens and their property in the vicinity of outdoor advertising structures;
- (5). Allow property owners the opportunity to sell or lease their properties for outdoor advertising uses and maximize the value of their property; and,
- (6). Provide and protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.

**(b). DEFINITIONS**

- (1). *Back-to-Back Sign*: an Off-Premise Sign consisting of two sign facings oriented in opposite directions with not more than two faces per sign facing.

- (2). *Directional Sign*: a sign erected for the convenience of the public, such as for directing traffic movement, parking, or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message.
- (3). *Double Faced Sign*: an Off-Premise Sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
- (4). *Facing*: that portion of an Off-Premise Sign upon which advertising is affixed or painted and visible in one direction at one time
- (5). *Freestanding Sign*: an Off-Premise Sign erected on a freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.
- (6). *Multiple-faced Sign*: an Off-Premise Sign comprised of sections which rotate to display a series of advertisements, each advertisement being displayed continuously for a short period of time without movement.
- (7). *Official Sign*: a sign erected by a governmental agency or its designee, setting forth information pursuant to law.
- (8). *Off-Premise Outdoor Advertising Sign*: a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a “billboard.” This definition includes a Junior Outdoor Advertising Sign, which is differentiated by its 6-foot by 12-foot sign faces. The following shall not be considered an off-premise sign for the purposes of this Ordinance:
  - a. Directional or Official Signs authorized by law
  - b. Real Estate Signs
  - c. On-Premise Signs.
- (9). *On-Premise Sign*: a sign which advertises the primary goods or services sold or taking place upon the premises or parcel of land on which the sign is located.
- (10). *Real Estate Sign*: a sign, which advertises the sale or lease of the property upon which, the sign is located.
- (11). *Roof Mounted Sign*: an Off-Premise Sign attached to the roof of a building.
- (12). *“V” Type Sign*: an Off-Premise Sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
- (13). *Wall Sign*: an Off-Premise Outdoor Sign attached to or painted on the wall of a building or structure.

**(c). Permitted Locations**

Off-Premise Outdoor Advertising Signs shall be permitted by *right* in the following zone districts except where the property on which the sign is to be located adjoins a residentially zoned property then it shall become a *conditional use*.

- (1). C-3, General Commercial District;
- (2). I-1, Limited Industrial District; and,
- (3). I-2, General Industrial District.

Off-Premise Outdoor Advertising Signs shall be permitted as a *conditional use* in the following zone districts:

- (1). C-1, Downtown Core Commercial District;
- (2). C-2, Downtown Fringe Commercial District;
- (3). C-4, Neighborhood Commercial District; and,
- (4). C-5, (CR-1) Neighborhood Office District.

Off-Premise Signs shall not be located in the residential portion of any area designated as a “Scenic Roadside” or “Scenic By-way.”

**(d). Nonconforming Signs**

Any Off-Premise Sign in existence on the effective date of this ordinance, which does not meet the requirements of this Ordinance, may be maintained as a matter of right as legal nonconforming signs, provided that:

- (1). Such signs are properly maintained and do not endanger the public; and,
- (2). The signs were installed in conformance with a valid permit or complied with all applicable laws on the effective date of this Ordinance.

Legal nonconforming signs:

- (1). May be replaced by a new sign provided it does not exceed the size of the sign it is replacing and meets all structural standards of this ordinance;
- (2). The sign facing may be structurally altered in order to maintain the appearance of a sign, prolong its life, or to change advertising content; and,
- (3). Sign structures affixed to the ground may be reestablished after damage or destruction provided the replacement sign does not exceed the size of the sign it is replacing and meets all structural standards of this ordinance.

**(e). General Provisions**

- (1). No Off-Premise Sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with

the proper functioning of any official traffic control device.

- (2). Off-Premise Signs shall be constructed in accordance with local and state building and electrical codes. Structural engineering plans, sealed by a structural engineer licensed in Arkansas, shall accompany applications for a sign permit and shall be subject to wind load requirements set forth in the International Building Code.
- (3). Off-Premise Signs shall be regularly maintained in good appearance and safe structural condition.
- (4). No Off-Premise Sign shall be constructed on a property without the written consent of the property owner of record at the time of the sign's placement.
- (5). The general area in the vicinity of any freestanding sign on developed or undeveloped property shall be kept free and clear of sign materials, debris, trash and refuse.

**(f). Size of Signs**

- (1). Signs may be back-to-back, double-faced, V-type, and multiple-faced with not more than two faces to each facing side. Such a structure shall be considered as one Off-Premise Sign.
- (2). The maximum sign area for each facing side shall not exceed 1,200 square feet. *with any one sign face not exceeding 672 square feet.* These maximum areas exclude the base or apron; trim supports, other structural elements of the sign, and temporary embellishments. Temporary embellishments shall not exceed 20 percent of the maximum sign area allowed.
- (3). Rotating sign faces with variable messages will be measured while in a stationary position with one message visible.

**(g). Height of an Off-Premise Sign**

- (1). A full-size Off-Premise Sign shall maintain a minimum clearance of ten feet measured from the natural ground level at the base of the sign to the bottom of the framing around the sign face.
- (2). The base of a Junior Off-Premise sign may be placed at natural ground level or may be elevated to a maximum of eight feet measured from ground level to the bottom of the framing around the sign face.
- (3). An Off-Premise Sign shall have a maximum height not to exceed 50 feet measured from the grade level of the roadway to which the sign is oriented to the top of the framing along the sign face.
- (4). The natural ground level at the base of the sign shall not be altered so as to increase the height of the sign.

**(h). Spacing for Off-Premise Signs**

- (1). No Off-Premise Sign shall be established within 1,000 feet of any other Off-Premise Sign, measured along the same side of Interstate 63 to which the sign is oriented. This

regulation includes commercial lots fronting the access roads.

a. No Off-Premise Sign shall be established within 1,500 feet of any other Off-Premise Sign, measured from any angle or direction to which the sign is oriented in all other commercial areas of the city. (*amended 6/19/07*)

- (2). The spacing between signs does not apply to sign structures separated by buildings or other obstructions in such a manner that only one sign located within the spacing distances is visible from the street at any one time.
- (3). Spacing from Directional and Official Signs, On-premise signs, or any other sign which does not constitute an Off-Premise Sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.
- (4). The minimum distance between highway Off-Premise Signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the street or highway and shall apply to sign structures located on the same side of the same street or highway.

**(i). Setback Requirements**

Required setbacks shall be measured from the applicable line of the property on which it is located to the signpost that is closest to said property line.

- (1) *Street Setback:* five feet from the street right-of-way line.
- (2) *Side Setback:* five feet from the side property line
- (3) *Rear Setback:* An Off-Premise Sign shall be set back a minimum of 25 feet from the rear line of the property on which it is located.
- (4). In no case shall any portion of an Off-Premise Sign overhang or be placed in the public right-of-way.
- (5). In no case shall any portion of an Off-Premise Sign overhang an adjoining private property.

**(j). Lighting**

- (1). Off-Premise Signs that contain, include, or are illuminated by flashing, intermittent or moving lights are prohibited.
- (2). Reflective surfaces or devices on sign faces are permitted provided such signs do not interfere with traffic safety.
- (3). Illuminated electronic variable message signs giving public information such as, but not limited to, time, date, temperature, weather, or other similar information are permitted.
- (4). Illuminated electronic variable message signs giving commercial information are permitted, provided such signs do not interfere with traffic safety and do not resemble or simulate traffic control or safety devices or signs.

- (5). All Off-Premise Signs including Legal Non-Conforming Signs shall be effectively shielded to prevent beams or rays from being directed toward any portion of street travel-ways and must not be of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle.
- (6). All Off-Premise Signs including Legal Non-Conforming Signs shall be effectively shielded to prevent light beams or rays from being directed toward any residential properties.
- (7). No Off-Premise Sign including Legal Non-Conforming Signs shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

**(k). Sign Permit**

No Off-Premise Outdoor Advertising Sign shall be erected without securing a permit from the City of Jonesboro and payment of a one-time permit fee established by City Council. An application for an Off-Premise Sign shall be accompanied by a site survey and plan at a minimum scale of 1 inch = 50 feet, prepared by a registered surveyor or engineer licensed in Arkansas, showing the following information:

- (1). Name, address and telephone number of the property owner of record;
- (2). Ownership certificate signed by the property owner of record;
- (3). Name, address, and telephone of the owner of the proposed sign;
- (4). Name, address, and telephone number of the contractor proposed to install the proposed sign;
- (5). Existing property boundaries and any structures and other physical features of the site;
- (6). Location of existing streets and depicting the full right-of-way of said streets;
- (7). Location of structures and physical features on properties abutting the site of the proposed sign;
- (8). Location of any nearby Off-Premise Outdoor Advertising signs;
- (9). Zone district designation in which the proposed site is located.
- (10). Setback lines;
- (11). Elevation views of the proposed sign showing all faces, height and width dimensions, and dimension from ground level to the bottom of the sign faces;
- (12). Construction details of the proposed sign showing all structural components, electrical facilities, and lighting; and,
- (13). Certified statement from a professional structural engineer licensed in Arkansas that the sign meets all requirements of the International Building Code including wind load provisions.

(14). Following issuance of a sign permit and completion of installation, the structural engineer shall verify, in writing, to the City Planner that the sign has been installed in accordance with the approved plan and permit.

**(l). Correction of Deficiencies or Removal of Off-Premise Signs**

(1). Any Off-Premise Sign that has been abandoned or that has been inspected and determined to be structurally unsafe and therefore a danger to public safety shall be renovated or removed by the owner of the sign within 60 days from receipt of a “Notice to Correct or Remove” issued by the Department of Planning, Inspection and Code Enforcement. If the deficiencies in the sign or the sign are not removed within this 60-day period, the City may have the sign removed and charge the sign owner with the cost of removal plus a \$100 administrative service fee.

(2). An Off-Premises Sign installed after the effective date of this Section of the Zoning Ordinance without a sign permit and/or not conforming to this Section, shall be removed by the owner. The sign owner shall not be entitled to compensation for the Sign removal and shall reimburse the City for any cost incurred in connection with the removal.

**(m). Protection of First Amendment Rights**

Any Off-Premise Sign may contain any otherwise lawful, noncommercial message, including any political message, as well as advertising copy that directs attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

**(n). Civil Penalty**

The penalty for violating any provision of the Zoning Ordinance is set out in Section 14.44.04 of the Ordinance.

**(o). Conflict**

If any part of this Section is found to be in conflict with any other Section of the Zoning Ordinance or with any other Ordinance, the most restrictive or highest standard shall prevail. If any part of this Section is explicitly prohibited by Federal law or state statute that part shall not be enforced.

**(p). Effective Date**

This addendum to the Zoning Ordinance shall be effective on November 11, 2003, amended June 19, 2007.

### **Article 14.32.11.1: On-Premise Signs**

#### 14.32.11.1: Purpose

The purposes of the On-premise sign regulations are:

- (a.) To encourage the effective use of signs as a means of communication in the City;
- (b.) To maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (c.) To eliminate, to the maximum extent feasible, clutter and to improve corridor visibility;
- (d.) To improve pedestrian and traffic safety;
- (e.) To minimize the possible adverse effect of signs on nearby public and private property; and
- (f.) To ensure the protection of the public's first amendment rights.

#### **14.32.11.2 Applicability**

- (a.) The regulations contained within this Article shall apply to all signs and to all zoning districts.
- (b.) Unless otherwise provided by this Article, all signs shall require a Zoning Certificate and a payment of fees. No Zoning Certificate is required for the maintenance of a sign.
- (c.) Governmental/public/utilities and traffic signs are excluded from the scope of these regulations.

#### **14.32.11.3 Compliance Required**

- (a.) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City except in accordance with the provisions of these regulations.
- (b.) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect. Building permits may be required, verify permitting with the local building inspections department.

- (c.) No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of the City's or Arkansas's building or fire codes.

## Section 14.32.11.4: Computations

### 14.32.11.4 Computations

The following principles shall control the computation of sign area and sign height.

#### 14.32.11.4.1 Computation of the Area of Individual Signs

The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display. This measurement does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning resolution regulations and is clearly incidental to the display itself. See Figure 11.4.1.

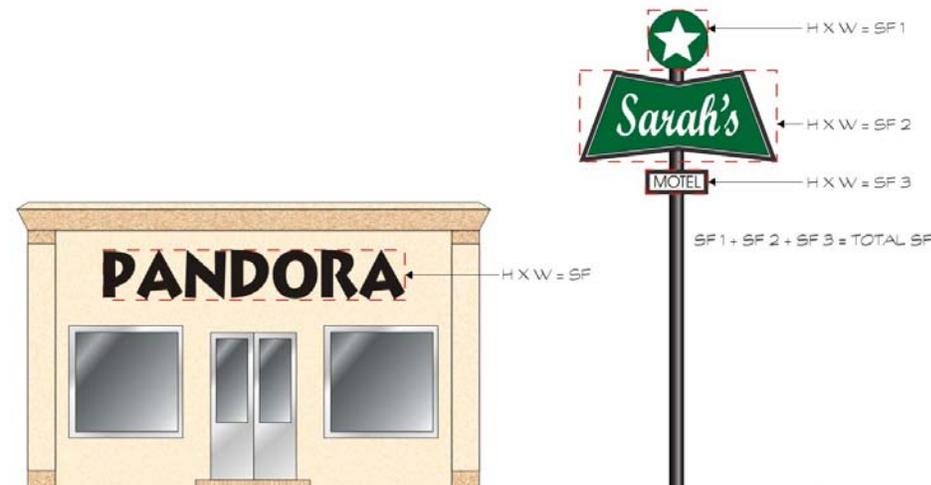


Figure 11.4.1: Examples of Measuring Sign Area

#### 14.32.11.4.2 Computation of the Area of Multi-Faced Signs

(A) The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. This methodology shall be utilized for banner signage face calculations also.

(B) When two (2) identical sign faces are placed back to back, or in a “V” formation where the spread is not greater than the width of the face, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 48 inches apart, the sign area shall be computed by the measurement of one of the faces.

(C) For “cube” signs or “V” signs with a spread greater than the width of the sign face where two faces may be viewed at the same point, the sign area shall be computed by the total measurement of both faces. *(See Sign Figures 14.32.11a-d, Sign Appendix)*

#### **14.32.11.4.3 Computation of Height**

The height of a sign shall be computed as the distance from the crown of the fronting adjacent roadway to the top of the highest attached component of the sign. *(See Sign Figures 14.32.11a-d, Sign Appendix)*

#### **14.32.11.4.4 Street/Lot Frontage**

When a computation is based on the street or lot frontage, the longest street or lot frontage, and not the total street frontage, shall be used.

### **14.32.11.5 General Sign Standards**

#### **14.32.11.5.1 Signs in the Right-of-Way; Obstructing Vision or Traffic**

(A) No signs shall be placed in any public right-of-way except:

(1) Publicly owned signs, such as traffic control signs, City identification signs, and freestanding signs as permitted in Section 14.32.11.7.1;

(2) Projecting, canopy, and awning signs may project over a public right-of-way if they are in conformity with all other applicable standards of this article.

(B) No sign or other advertising structure as regulated by this Article shall be erected:

(1) At the intersection of streets in such a manner as to obstruct free and clear vision; or

(2) At any location where, by reason of the position, shape or color, it may interfere with traffic, obstruct the view of traffic, or be confused with the use of words such as “stop,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

#### **14.32.11.5.2 Illumination**

(A) The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.

(B) Signs shall be subject to the outdoor lighting provisions of Subsection 14.32.11.5.6 (Signs on Awnings, Canopies, Fascia, or Marquees) and other applicable regulations in this Article.

#### **14.32.11.5.3 Message Changes**

(A) Message changes are permitted and do not require a permit on any permitted or legal nonconforming sign with changeable copy. However, signs that flash intermittently are prohibited.

(B) Signs having video capability shall be permitted, provided they changes at rate of twenty (20) frames per second or less. This type of sign must be equipped with an auto dimmer that dims the brightness between dusk and dawn. These signs will be allowed in any zoning; however, they may not be located with 250 feet of a residential structure.

(C) Signs shall not have moving or rotating mechanical parts that change position more often than every seven (7) seconds. Signs that rotate continuously (360 degrees) will be allowed provided they do not rotate at a rate of more than six rotations per minute (6 RPM)

(D) Electronic Information Signs

(1) Lighted electronic information signs whose only movement is the periodic changing of information against a solid background, shall be considered a changeable copy sign for the purpose of this Article.

(2) Must be equipped with dimmers that will dim light intensity from dusk to dawn.

(3) Any sign under this Section shall meet all other zoning requirements.

(4) Electronic Marquee signs shall be permitted but shall meet all zoning requirements regarding flashing and transitioning.

#### **14.32.11.5.4 Address Signs**

All development shall have a sign providing the numeric address of the identification purposes to assist in fire and safety protection.

#### **14.32.11.5.5 Required Landscape Area for Signs**

(A) Unless otherwise provided in this Article, all monument type signs shall be located in a landscaped area with a minimum area equal to the total sign area. *See Figure 11.5.5.*

(B) The landscape area for permanent freestanding signs shall consist of shrubs, flowers, sod and/or ground cover.



**Figure 11.5.5: Landscaping for Monument Signs**

#### **14.32.11.5.6 Signs on Awnings, Canopies, Fascia, or Marquees**

(A) Awnings, canopies, fascia, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.

(B) Unless otherwise provided in this Article, the sign area of the awning, canopies, fascia, or marquee shall be included as part of the wall sign area calculation.

(C) In cases where the awning, canopy, fascia, or marquee is constructed of translucent material, is illuminated from within or behind the structure, and contains sign copy, the area of the sign copy shall be calculated in determining the sign area.

#### **14.32.11.5.7 Wall Signs**

Wall signs excluding awnings shall not extend more than twelve (12) inches as measured from the face of the building/parapet wall or extend above the roof of the structure, unless otherwise allowed within this sign ordinance.

### **Section 14.32.11.6: Prohibited Signs**

The following types of signs are prohibited in all districts:

#### **14.32.11.6.1 Abandoned Signs**

(A) Any sign now or hereafter existing that no longer advertises a commercial message for a bona fide business conducted on the premises or a product sold on the premises for a period of one year shall be deemed abandoned.

(B) Such a sign shall be taken down and removed or the face shall be changed as provided in section “C” below by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within 30 days after notification to the owner from the Zoning Administrator.

(C) The face of the abandoned sign shall be replaced with a blank face so as to cover all internal light or structural systems or the existing face must be blanked out so that in no way may the previous message be read; otherwise, entire sign/structure must be removed.

(D) All signs shall be in conformance with Section 14.32.11.11(Maintenance) regarding the maintenance of all signs.

**14.32.11.6.2** No permanent sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention for commercial or advertising purposes except to cover existing signs when faces must be changed immediately to allow time to produce and install the permanent faces or where otherwise permitted in this Article.

**14.32.11.6.3** Air activated graphics or balloons used for commercial or advertising reasons shall not be permitted except where otherwise permitted in this Article

**14.32.11.6.4** Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This provision does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;

**14.32.11.6.5** Signs imitating or resembling official traffic or governmental signs or signals;

**14.32.11.6.6** No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter;

**14.32.11.6.7** Signs that consist of lights that revolve or flash are prohibited in all districts with the exception of electronic information signs; The following sign types shall also be prohibited unless otherwise permitted in this ordinance,

- a. Bench signs, excluding publicly owned bus shelters.
- b. Portable signs\* or portable black signs;
- c. Snipe signs;
- d. Graffiti; or
- e. Roof signs.

\* Freestanding real estate, election signs shall be excluded from this provision (*See Sections 14.32.11.10.2 and 14.32.11.10.3: Temporary Signs*).

### **Section 14.32.11.7: Signs Not Requiring a Zoning Certificate**

The following sign types shall be exempted from permit requirements but shall be in conformance with all other requirements of this Article:

**14.32.11.7.1** Signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message; Beautification Award signs shall be exempt from Zoning Certificate, however permission must be granted by the City of Jonesboro.

**14.32.11.7.2** Signs bearing no commercial message and installed by employees or officials of a city department, state or federal agency in the course of their governmental duties for identification, safety and traffic control purposes;

**14.32.11.7.3** Signs required by a city, state or federal statute;

**14.32.11.7.4** Signs required by an order of a court of competent jurisdiction;

**14.32.11.7.5** Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;

**14.32.11.7.6** Signs installed by a transit company with a franchise or other right to operate in City of Jonesboro, where such signs are installed along its routes and relate to schedules or other information about the transit route.

**14.32.11.7.7** Certain temporary signs as regulated by Section 14.32.11.10 (Temporary Signs);

**14.32.11.7.8** Permanent freestanding sign on a lot that is considered agricultural land based on the definitions in Title 14.08.02 and provided the sign meets the following requirements:

- (A) Such sign shall be located a minimum of 15 feet from a right-of-way.
- (B) The maximum sign area shall be 32 square feet.
- (C) The maximum sign height shall be six (6) feet.

**14.32.11.7.9** One non-illuminated wall sign of two (2) square feet or less in a residential zoning district as part of a home occupation permitted pursuant to Section 14.28.03 (b) of the Zoning Resolution;

**14.32.11.7.10** Commemorative plaques placed by recognized historical agencies;

**14.32.11.7.11** Mailbox identification when such is an integral part of such mailbox;

**14.32.11.7.12** Warning signs including “no hunting,” “no trespassing,” “keep off grass,” “no dumping,” or signs of a similar nature provided that they do not exceed two (2) square feet in area.

**14.32.11.7.13** Window signs. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.

**14.32.11.7.15** Beautification award signage bearing the name/logo of the Award recipient and/ or sponsor without further advertisement of the commercial business.

### **14.32.11.8 Permanent On-Premises Signs**

#### **14.32.11.8.1 Signs Permitted in any Residential Zoning District**

The following on-premises signs may be permitted in an R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, or PD-R District.

- (A) All signs not requiring a Zoning Certificate pursuant to Section 14.32.11.7

(Signs Not Requiring a Zoning Certificate);

(B) Permanent freestanding signs for a subdivision, open space residential development, multi-family dwelling, public/institutional use, or commercial enterprise permitted in a residential zoning district (kennel, riding stable, etc.) provided that the signs meet the following requirements (*See Figure 11.8.1*):

- (1) Two permanent freestanding signs may be permitted, by Zoning Certificate, at each development entrance along a City or State road;
- (2) The signs shall be ground monument mounted signs;



Figure 11.8.1:  
Development Sign

- (3) The signs shall be set back 15 feet from the public right-of-way
  - a. Subdivision median monument signage may be reviewed and approved by the City of Jonesboro Street Superintendent as a revocable permit which may be subject to removal and relocation at the owner's expense if future city right of way projects cause such action.

- (4) The maximum sign area for each sign shall be 150 square feet in area;
- (5) No such sign or any portion of the structure shall exceed 10 feet in height; and
- (6) The sign may only be illuminated through external lighting.

(C) Permitted public and institutional uses may be permitted to have one permanent freestanding sign per street frontage in a residentially zoned area provide the sign meets the following requirements:

- (1) The sign shall be a ground mounted sign;
- (2) The signs shall be set back a minimum of 10 feet from the edge of street pavement/back of curb or off the street right-of-way, whichever is the greater setback;
- (3) The sign shall have a maximum sign area of 75 square feet in area;
- (4) No such sign or any portion of the structure shall exceed 15 feet in height; and
- (5) The sign may only be illuminated through external lighting unless the applicant demonstrates that an internal illuminated sign will not spill lighting on residential abutting properties, satisfying section 14.32.11.5.2.

#### 14.32.11.8.2 Signs Permitted in any C-4 or CR-1 District (or existing C-5 Districts)

The following on-premises signs may be permitted in a C-4, C-5, or CR-1.

(A) All signs not requiring a Zoning Certificate pursuant to Section 14.32.11.7  
(*Signs not requiring a Zoning Certificate*);

(B) All signs shall be set back a minimum of ten (10) feet from the edge of street pavement/back of curb or off the street right-of-way, whichever is the greater setback. In no location shall signage or sign structural parts be placed within the public right of way, unless otherwise authorized by this ordinance.

(C) Temporary signs pursuant to Section 14.32.11.10 (Temporary Signs);

##### (D) Ground Mounted Signs

One permanent ground mounted sign per parcel, lot, or site per street frontage (if on street corner totals may be combined with maximum height and size restrictions below satisfied) subject to the following requirements:

(1) The height of the sign shall not exceed 10 feet.

(2) The maximum sign area for a single occupant building shall be equivalent to 1.0 square feet for each lineal foot of frontage, but shall not exceed 100 square feet. For each additional business or occupant, an additional 20 sq. feet will be allowed with area not to exceed 300 square feet.

##### (E) Wall Signs

(1) Wall signs may be permitted up to a total square footage equal to 12% of the building façade area which the tenant occupies. These signs may be placed on any walls desired by the tenant.

(2) Buildings located on a corner lot may be permitted to add the total of all frontages to come up with the maximum size for all signs.

(3) Incidental awnings bearing supplemental direction/identification shall be permitted for automatic teller machines, drive through and other protected entrances.

##### (F) Secondary Advertising Display Signs

Permanent freestanding signs in a C-4, C-5, CR-1 District under the following provision:

(1) The maximum height shall be six (6) feet unless they are attached to a building as a wall sign in which case they shall not be attached in a manner as to exceed the height of the structure or unless otherwise allowed in the ordinance

(2) A maximum of two (2) Secondary Advertising Display Signs are permitted on each property per street frontage provided they are 24 square feet or smaller in sign area and they are spaced no closer than 150' from another Secondary Advertising Display sign.

a. Drive-thru-signage that are not meant to be read from the main road access shall be exempt from this requirement.

(3) Sign frame must be made from a rigid material and installed by means of direct embedded poles. The sign face shall be a rigid material or a banner material as per section 14.32.11.10.3 (E) Pole Pocket Banners.

(4) Signs may only be single sided or back to back. (No “V” or other formation)

**14.32.11.8.3 Signs Permitted in any C-1, C-2, C-3, I-1, I-2, PD-B, PD-I, or PD-M District.**

The following signs may be permitted in a C-1, C-2, C-3, I-1, I-2, PD-B, PD-I, or PD-M District.

(A) All signs not requiring a Zoning Certificate pursuant to Section 14.32.11.7 (Signs not Requiring a Zoning Certificate);

(B) Temporary signs pursuant to Section 14.32.11.10 (Temporary Signs);

(C) The signs shall be set back a minimum of ten (10) feet from the edge of street pavement/back of curb or off the street right-of-way, whichever is the greater setback.

(D) Freestanding Signs

One freestanding pole or ground mounted sign shall be permitted per parcel, lot, or site; or one per frontage on corner lots subject to the following requirements:

(1) The height of the sign shall be determined by the width of the street frontage as shown in the chart below:

<b>Linear Feet of Lot Frontage</b>	<b>Allowed Height of Sign for Single Occupant Buildings</b>	<b>Additional Allowed Height of Sign for each Additional Occupant</b>	<b>Maximum Height Allowed</b>
<b>Up to 100'</b>	15'	2'	45'
<b>Over 100' &amp; Up to 150'</b>	25'	2'	45'
<b>Over 150'</b>	30'	2'	45'

(2) The maximum sign area for a single occupant building shall be equivalent to 1.0 square feet for each lineal foot of frontage, but shall not exceed 150 square feet. For each additional occupant, an additional 20 square feet will be allowed, but not to exceed 400 square feet.

(E) Freestanding Driveway Directional Signs

Permanent freestanding signs in a C-1, C-2, C-3, C-4, C-5, CR-1, I-1, I-2 or a PUD-R or PUD-C District under the following provisions:

(1) The sign shall be located within ten (10) feet of the intersection of a public street and a private driveway;

(2) The sign may contain company logo/identifiers but must have the overall intent/content of direction.

(3) The maximum sign area shall be eight (8) square feet in area; and

(4) The maximum sign height shall be four (4) feet.

(5) Vehicular vision obstruction cases may be waived to achieve maximum 8 ft in height, located 10 feet outside of public right of way.

(6) Downtown District (C-1) freestanding shall be exempt from right of way setback requirements; however an encroachment permit shall be required. Administrator or Superintendent of Streets may require that sign be placed at or outside of right of way.

#### (F) Secondary Directional Driveway Signs

Permanent freestanding signs in a C-1, C-2, C-3, I-1, I-2 or a PUD-C District under the following provisions:

(1) The sign shall be located within ten (10) feet of the intersection of a public street and a private driveway and shall be located one foot outside of the public right of way.

(2) One sign may be permitted per individual driveway

(3) The maximum sign height and sign area will be determined by its distance from the main ID sign as follows:

(a) If the secondary ID sign is 400 feet or more in distance from main ID Sign, the maximum height shall be eight (8) feet and the maximum sign area shall be 100 square feet.

(b) If the secondary ID sign is less than 400 feet in distance from the main ID Sign, the maximum height shall be five (5) feet and the maximum sign area shall be 50 feet square feet.

(c) Downtown District (C-1) freestanding shall be exempt from right of way setback requirements; however an encroachment permit shall be required. Administrator or Superintendent of Streets may require that sign be placed at or outside of right of way.

#### (G) Secondary Advertising Display Signs

Permanent freestanding signs in a C-1, C-2, C-3, I-1, I-2 or a PUD-C District under the following provision:

(1) The maximum height shall be six (6) feet unless they are attached to a building as a wall sign in which case they shall not be attached in a manner as to exceed the height of the structure or unless otherwise allowed in the ordinance.

(2) A maximum of two (2) Secondary Advertising Display Signs are permitted on each property per street frontage provided they are 24 square feet or smaller in sign area and they are spaced no closer than 150' from another Secondary Advertising Display sign.

a. Drive-thru-signage that are not meant to be read from main road access shall be exempt from this requirement.

(3) Sign frame must be made from a rigid material and installed by means of direct embedded poles. The sign face shall be a rigid material or a banner material as per section 14.32.11.10.3 (E) *Pole Pocket Banners*.

(4) Signs may only be single sided or back to back. (No "V" or other formation)

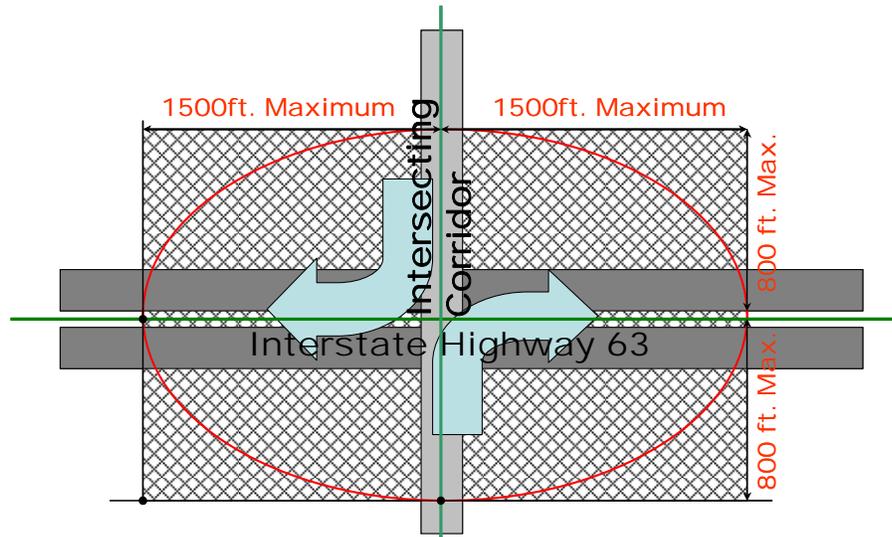


Figure 11.8.3: High-rise Sign Location Limit

(Allowed within shaded area only)

#### (H) High Rise Signs

One high-rise pole sign is permitted on each lot located in the C-3 Commercial District within a radius of 1500 feet parallel to the intersecting corridor and interstate 63 and within a radius point of 800 feet running parallel to Interstate 63 (see figure 11.8.3). All such signs shall be subject to the following, unless sign size and height fits the requirements for freestanding signs in section 14.32.11.8.3 (D) above.

- (1) A Zoning and building permit shall be required.
- (2) All high-rise pole signs shall have a maximum height of 75 feet.
- (3) The maximum sign area shall be 300 square feet.
- (4) Setback shall be the same as for ground and pole signs.

#### (I) Wall Signs

- (1) Wall signs may be permitted up to a total square footage equal to 12% of each building wall face area which the tenant occupies for business/commercial with a maximum 350 sq. ft. in area/size. Industrial Zoning maximum sign area shall be 15% of the building wall face area with a maximum 1,000 sq. ft. area/size.
- (2) Incidental awnings bearing supplemental direction/identification shall be permitted for automatic teller machines, drive through and other protected entrances.

### 14.32.11.10 Temporary Signs

#### 14.32.11.10.1 General Standards for All Temporary Signs

(A) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof or extend above a parapet wall.

(B) No temporary sign that is eight (8) square feet or less in size shall be illuminated by anything other than non-reflected daylight, except by variance issued by the Board of Zoning Adjustment

(C) Temporary signs shall be set back as follows:

(1) A minimum of ten (10) feet from the edge of street pavement/back of curb or off the street right-of-way, whichever is the greater setback;

(2) A minimum of 20 feet from all lot lines adjacent to a residential use or residential zoning district;

(3) A minimum of five (5) feet from all other property lines; and

(4) A minimum of five (5) feet from any other temporary sign.

(D) Use of temporary displays on days without approval by Zoning Certificate, when required, or beyond the stated date of approval, when applicable, shall be deducted from the allotted number of days.

(E) Violations of zoning regulations applying to temporary signs shall be corrected within 24 hours of written notification of the violation.

#### 14.32.11.10.2 Temporary Signs Permitted in a Residential Zoning District

This section addresses permitted temporary signs in an RS-1, RS-2, RS-3, RS-4, RS-5, RS-6, RS-7, RS-8, RM-4, RM-6, RM-8, RM-12, RM-16, or PD-R District.

(A) The maximum height of all temporary signs in a residential district shall be seven (7) feet. *Exception: See step 3 below for signage attributed to construction signage.*

(B) A maximum of five (5) temporary signs are permitted on each property, during construction or remodeling, provided they are six (6) square feet or smaller in sign area. After construction or remodeling is complete all such signs shall be removed within 14 days, except (1) "For Sale, Lease or Rent" sign per street frontage. These signs may remain for a period not to exceed (90) days after the property has sold or has been leased or rented. Such signs shall not require a Zoning Certificate or payment of a fee. The maximum height of all temporary signs in a residential district shall be seven (7) feet.

(C) A maximum of (2) temporary signs are permitted on each street frontage for a period up to 60 days, provided the signs are less than 6 square feet and they do not contain a commercial message. Such signs shall not require a Zoning Certificate or payment of a fee. The maximum height shall be seven (7) feet.

(D) Temporary signs greater than six (6) square feet in size may be permitted under the following provisions:

(1) The owner of the property where the sign will be located applies for, and receives a Zoning Certificate for the sign;

(2) There shall be a limit of one sign with a maximum of two sides per single lot per street frontage and such signs shall not exceed the follow maximum square footage.

- a.) Lots one (1) Acre of Less – 16 Square Feet
- b.) Lots Larger than one (1) acre – 32 Square Feet
- c.) The maximum height shall be seven (7) feet.

(3) Signs larger that 32 square feet shall be allowed to announce the development and the sale of lots within a subdivision. There may be one sign per entrance and these signs shall not exceed the follow maximum square footage.

- a.) Developments less than five (5) Acres – permitted 32 Square Feet;
- b.) Developments five (5) Acres or more, but less that (10) Acres – permitted 64 Square Feet;
- c.) Developments ten (10) Acres or More – permitted 96 Square Feet;
- d.) The maximum height of twelve (12) feet;

(3) The sign shall not be illuminated unless authorized by the Board of Zoning Adjustment through the variance process;

(4) The time limit for the Zoning Certificate shall comply with the following:

- a.) A temporary sign under this section may be posted during construction and/or development of the subject property without a specific time limit. The sign shall be removed within 14 days of completion of construction or development.
- b.) A temporary sign for the purpose of selling, renting or leasing the site may remain for a period up to 30 days after the property has been sold, leased or rented.
- c.) All other temporary signs under this section shall be displayed for not more than 30 days per Zoning Certificate, and not to exceed 90 days per year.

(E) Public and institutional uses in a residential district may be permitted to have one additional temporary sign with a commercial message, without apply for a Zoning Certificate or paying a fee, under the following provisions:

- (1) Such sign shall not exceed 32 square feet per side with a maximum of two (2) sides;
- (2) The sign shall not be illuminated unless authorized by the Board of Zoning Adjustment through the variance process;
- (3) The sign may be permitted for a maximum of two (2) periods in a calendar year not to exceed 45 days each period.
- (4) A minimum of 30 days between each 45-day period is required.
- (5) Golf tournament signs are permitted without regulations on size or quantity, but only for a period not to exceed seven (7) days and notification must be given to planning office before installation.

### 14.32.11.10.3 Temporary Signs Permitted in a Mixed Use or Nonresidential Zoning District

This section addresses permitted temporary signs in a C-1, C-2, C-3, C-4, CR-5, CR-1, I-1, I-2 or a PUD-C, PD-1, or PD-M District.

(A) The maximum height of all temporary signs shall be twelve (12) feet unless they are attached to a building as a wall sign in which case they shall not be attached in a manner as to exceed the height of the structure or unless otherwise allowed in this ordinance.

(B) A maximum of four (4) temporary signs that are meant to be read from the roadway are permitted on each property provide they are 32 square feet or smaller in sign area and they are spaced no closer than 150 feet from another temporary sign. Such signs shall not require a Zoning Certificate or payment of a fee. Signs that are not meant to be read from the roadway is exempt from the 150 feet spacing regulation.

(C) Temporary signs or Special Event Signage greater than 32 square feet in area may be permitted under the following provisions:

(1) The owner of the property where the sign will be located applies for, and receives a Zoning Certificate for the sign;

(2) There shall be a limit of one (1) sign per premises per frontage and such sign shall not exceed the following square feet per side with a maximum of two (2) sides.

- a.) Lots on less than five (5) acres – 128 sq. feet
- b.) Lots five (5) acres or larger – 360 sq. feet

(3) The time limit for the Zoning Certificate shall comply with the following:

a.) A temporary sign under this section may be posted during construction and/or development of the subject property without a specific time limit. The sign shall be removed within 14 days of completion of construction or development.

b.) A temporary sign for the purpose of selling, renting or leasing the site may remain for a period up to 30 days after the property has been sold, leased or rented.

c.) All other temporary signs under this section shall be displayed for not more than 30 days per Zoning Certificate, and not to exceed 90 days per year.

(D) Temporary signs consisting of banners, pennants, ribbons, streamers, spinners may be permitted in addition to other signs permitted as part of this Article provided they meet the following requirements except for pole pocket

banner described in Section (E) below.

- 1.) A Zoning Certificate shall be required for a banner sign or similar special event sign.
- 2.) The signs may be permitted for a maximum of four (4) periods in a calendar year not to exceed 60 days each period.
- 3.) A minimum of 30 days between each 60-day period is required.
- 4.) Any certificate issued in the same calendar year as provided in paragraph (b) above shall count as one of the four - 60 day periods permitted in this section.
- 5.) Only one (1) banner sign or one special event sign per use and per street frontage shall be used at a time.
- 6.) The maximum sign height shall be twelve (12) feet.
- 7.) Lettering on banners shall be silk-screened, stenciled, created with vinyl letters or sewn into the fabric or material.
- 8.) All signs are subject to the minimum setback requirements of temporary signs.

(E) Pole Pocket Banners may be permitted in addition to other signs as described below

1. Banners shall have pole pockets on at least two (2) sides
2. Banners shall be mounted to permanent structures or poles by means of rods thru the entire length of the banner pocket.

#### 14.32.11.10.4 Downtown Core Signage Standards

All signs erected, maintained or located in the Downtown Core Area (C-1), shall comply with the provisions described herein. In circumstances where said provisions do not address a particular aspect of signage, the Sign Ordinance of the City of Jonesboro will take precedence. No sign shall be erected or altered before acquiring a sign permit. Moreover, no sign permit shall be issued for any additional sign or alterations to existing signs until all signs on the property or development conform to said provisions.



#### 14.32.11.10.4.1 Signage Types Permitted:

The types of signs permitted in the Downtown Core Area will be limited to wall signs, temporary signs, hanging signs, and logo signs. Awnings and Monument signs will also be permitted.

Illuminated signs will be permitted and shall conform with the Jonesboro Sign Code Ordinance.

*Following are restrictions for each sign type:*

a) Wall Signs. Wall signs shall not exceed twelve (12) percent of the exposed area of the wall on which they are located. Said twelve (12) percent also to include valance, permanent window signs and temporary signs. Maximum allowable sign area shall be 350 sq. feet.

b) Hanging Signs. Hanging signs will be limited to eighteen (18) square feet in area and will be attached to the building. Material used for fastening or supporting hanging signs will be restricted to metals with porcelain enamel, stainless steel, brass or bronze finish. For adequate clearance, hanging signs will be placed no lower than eight feet above grade. Those signs projecting over publicly owned rights-of-way shall require an encroachment permit.

c) Temporary Signs. Temporary signs shall not exceed ten (10) percent of the window.

d) Monument Signs. Monument signs shall be allowed but must satisfy the requirements of Section 14.32.11.8.3.

#### 14.32.11.10.4.2 Signage Types Not Permitted:

The following types of signs will be prohibited in the Downtown Core Area (C-1):

a) Ground/pole signs

b) Roof signs or any type of sign which is placed above the apparent flat roof or eaves of a building.

c) External rotating, moving, flashing, changing, blinking signs.

d) Permanent signs will be for business identification only; brand names or product advertising are not permitted.

e) Permanent signs will not cover windows, building details, trim, roof or tower over the building.

#### 14.32.11.10.4.3 Signage Area:

Total sign area allotment permitted will be one and one-half (1.5) square feet of sign for each linear foot of qualified street frontage with a minimum allowance of twenty-five (25) square feet. Maximum height of letters will be restricted to eighteen (18) inches; maximum height of letters on canvas awnings will be limited to ten (10) inches. Business identification shall not exceed two (2) feet, six (6) inches.

#### 14.32.11.10.4.4 Second Story Signage:

Where office lease space occurs on a second level, signage will be allowed for building identification. Window signs consisting of lettering only shall be allowed for business identification. Letters can be no higher than six inches.

On a parapet or windowless wall, signage may include representational graphics, symbols or logos not to exceed sixteen (16) square feet in area. This will not be counted as part of the allowable sign footage.

### 14.32.11.11: Maintenance

- 14.32.11.11.1 All on-site advertising signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and kept in good repair.
- (A) Signs shall be free from rust, dust, dirt, and other such debris
  - (B) Exposed surfaces shall be clean and painted if paint is required.
  - (C) Defective parts shall be replaced.
  - (D) Anytime a lighted sign has the face remove overnight the power must be disconnected
  - (E) Signs shall not be left without a face more than a 3 month period)
  - (F) The Zoning Administrator shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated.
  - (G) *See Section 14.32.11.6.1 Abandoned Signs*
- 14.32.11.11.2 Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or lessee shall, upon receipt of written notice from the Zoning Administrator, proceed at once to correct the unsafe condition and/or remove the sign in question.
- 14.32.11.11.3 Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of Section 14.36.04 Corner Visibility (Vision Clearance Triangle).

## 14.32.11.12 Nonconforming Signs

- 14.32.11.12.1 Determination of Legal Nonconformity
- (A) Existing signs that do not conform to the specific provisions of this Article may be eligible for the designation of a “legal nonconforming sign” provided that they are not in violation of either of the following:
    - (1) The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance.
    - (2) The sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this Resolution.
  - (B) The owner may continue the use of a legal nonconforming sign provided the owner obtains a Certificate of Non-Compliance from the City of Jonesboro Planning Department within 90 days of the effective date of this Resolution.
  - (C) Portable signs shall not be designated a legal nonconforming sign and shall be removed within 120 days of the effective date of this

Resolution. Portable signs altered to be made non-portable shall still be considered to be portable.

#### 14.32.11.12.2 Loss of Legal Nonconforming Status

A legal nonconforming sign loses the legal nonconforming designation if:

- (A) The sign is relocated;
- (B) The sign is replaced; reasons other than vandalism or an act of God or other causes outside the influence of the owner or user.
- (C) The structure or size of the sign is altered in any way except towards compliance with this Article. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.
- (D) The sign is part of an establishment that discontinues its operation for a period of two (2) years.

#### 14.32.11.12.3 Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this Resolution regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than 60 percent of the estimated replacement value, unless such damage was caused by vandalism or an act of God or other causes outside the influence of the owner or user.

#### 14.32.11.13: SIGN DEFINITIONS

**Abandoned Sign** - A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

**Animated Sign** - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from *changeable* signs as defined and regulated by this code, include the following types:

- 1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period

of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

b) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Architectural Projection** - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. *See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.*

**Area of Sign-** "Area of Sign" shall mean the total area within the extreme perimeter of the attraction area intended to draw attention to the sign, including all open spaces. *See also Copy Area of Sign.*

**Awning** - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Awning shall mean any structure, such as canvas, projecting from the wall of a building over a window or entrance.

**Awning Sign** - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign.

**Back-lit Awning** - An awning having covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

**Banner** - A flexible substrate on which copy or graphics may be displayed.

**Banner Sign** - A sign utilizing a banner as its display surface.

**Billboard** - *See: Off-Premise Sign and Commercial Outdoor Advertising Sign.*

**Building Facade** - That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the width of the building elevation.

**Canopy (Attached)** - A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

**Canopy (Freestanding)** - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

**Canopy Sign** - A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

**Changeable Sign** - A sign with the capability of content change by means of manual or remote input,

includes the following types:

1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.

2) Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. *See also: Electronic Message Sign or Center.*

**Commercial Outdoor Advertising Sign** - A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

**Copy** - The graphic content or message of a sign.

**Copy Area of Sign** - The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on the background.

**Directional Sign** - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**Double-faced Sign** - A sign with two faces, back to back.

**Electric Sign** - Any sign activated or illuminated by means of electrical energy.

**Electronic Message Sign or Center** - An electrically activated Changeable Sign whose variable message capability can be electronically programmed.

**Exterior Sign** - Any sign placed outside a building.

**Facade** - See Building Facade.

**Fascia Sign** - *See Wall Sign*

**Flashing Sign** - *See Animated Sign, Electrically Activated*

**Freestanding Sign** - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground.

**Frontage (Property)** - The length of the property line(s) of any single premise along either a public way or other properties on which it borders. Same as lot frontage. *See also qualified street frontage.*

**Frontage (Building)** - The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

**Ground Sign** - "Ground Sign" shall mean a sign not wholly supported on a building or on a structure other than a sign structure. *See Freestanding Sign.*

**Hanging Sign**- "Hanging Sign" shall mean a sign suspended from a building or structure which is perpendicular or parallel to the façade of the building.

**Illuminated Sign** - A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally illuminated]; or reflecting off its surface(s) [Externally illuminated].

**Interior Sign** - Any sign placed within a building, but not including Window Signs as defined by this ordinance. Interior Signs, with the exception of Window Signs as defined, are not regulated by this ordinance.

**Mansard** - A roof-like facade comparable to an exterior building wall.

**Marquee** - *See Canopy (Attached).* Definition is similar.

**Marquee Sign** - *See Canopy Sign.* Definition is similar.

**Multiple-Faced Sign** - A sign containing three (3) or more faces.

**Median Monument Sign**- Signs erected within the median of a street intersection leg within the public right of way but separating the ingress and egress of a subdivision or development.

**Mobile sign**- means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

**Monument Sign** - "Monument Sign" shall mean an independent structure supported from grade to the bottom of the sign with the appearance of having a solid base. *See also ground sign.*

**Off-Premise Sign** - A sign whose erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold off the subject premises on which it is displayed. *See Outdoor Advertising Signs and Commercial Outdoor Advertising Sign.*

**On-Premise Sign** - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Outdoor Advertising Signs** - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Parapet** - The extension of a building facade above the line of the structural roof.

**Pole Sign** - *See Freestanding Sign.*

**Political Sign** - A temporary sign intended to advance a political statement, cause, or candidate for office.

**Portable Sign** - Any changeable-copy sign not permanently attached to the ground or to a building or

building surface, or having wheels attached, on trailer meant to be moved.

**Projecting Sign** - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

**Qualified Street Frontage-** "Qualified Street Frontage" shall mean the width of storefront of a commercial in the case of downtown or for general commercial/industrial it shall mean development fronting on a major or secondary thoroughfare. In cases of corner or through lots, only one (1) street frontage may be used as qualified street frontage for purposes of calculating permitted sign area. *See also Frontage.*

**Real Estate Sign** - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

**Revolving Sign** - A sign that revolves three hundred and sixty degrees (360) about an axis. *See also: Animated Sign, Mechanically Activated.*

**Roof Line** - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign** - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. *Refer also to Section 14.32.11.9 herein for visual reference example of roof sign, and comparison of differences between roof and fascia signs.*

**Sign** - Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

**Sign Structure** - Any structure designed for the support of a sign.

**Temporary Sign** - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. "Temporary Sign" shall mean a banner type sign constructed of a sturdy material, such as canvas, so as to prevent rapid deterioration. Such sign is intended to be displayed for a short period of time only.

**Total wall surface area-** Sum of the area calculation for a wall surface on a building frontage in a single plane.

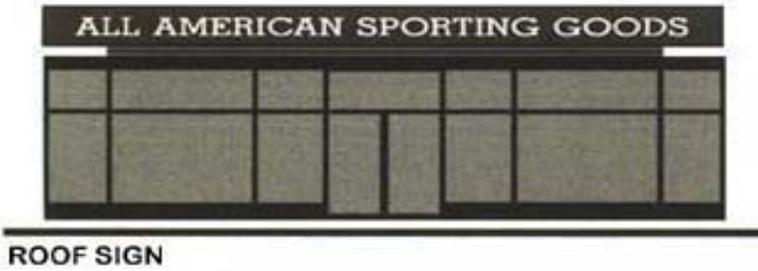
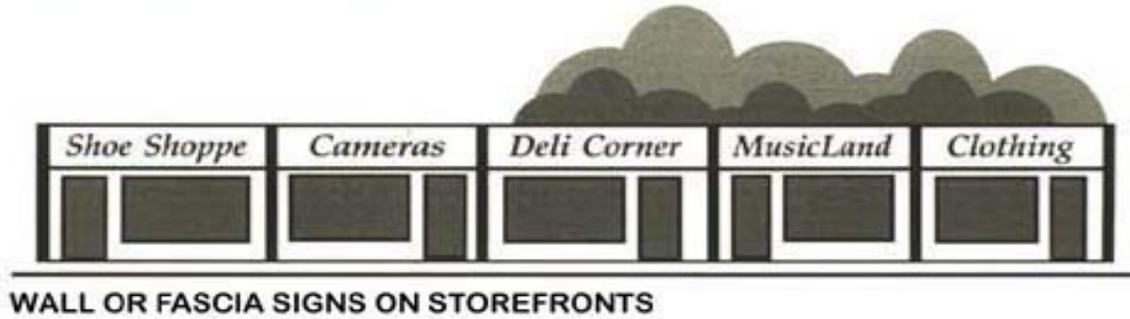
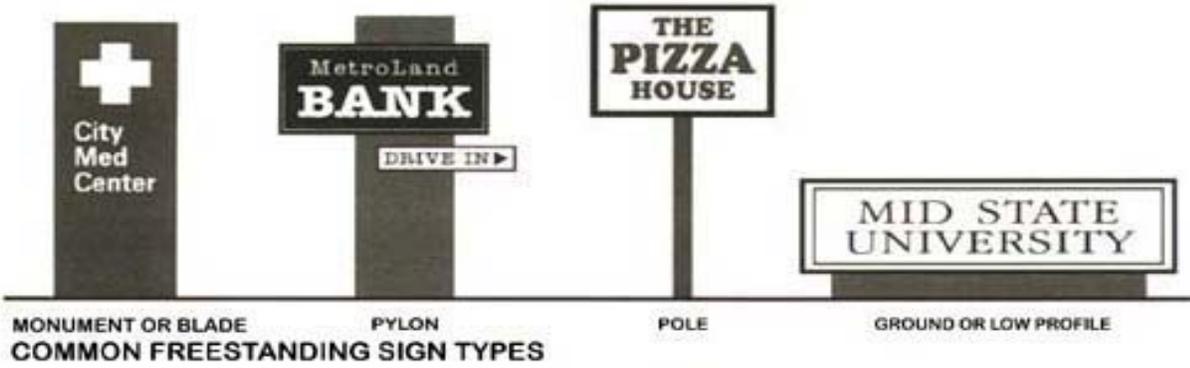
**Under Canopy Sign or Under Marquee Sign** - A sign attached to the underside of a canopy or marquee.

**V Sign** - A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

**Wall or Fascia Sign** - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

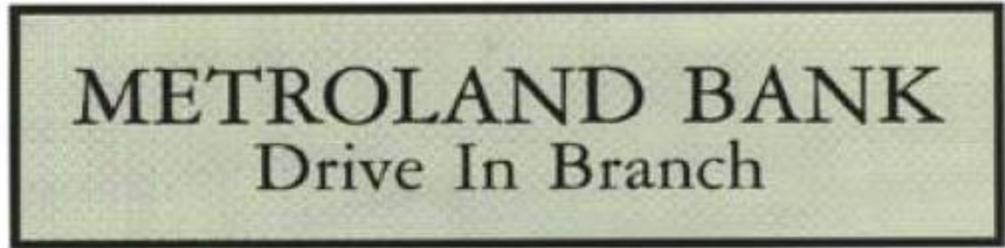
**Window Sign** - A sign affixed to the surface of a window with its message intended to be visible to exterior environment.

Sign Figure 14.32.11a -GENERAL SIGN TYPES



## Sign Figure 14.32.11b- Computations

Compute area  
Inside defined  
Border or  
inside  
Contrasting  
Color area



Arrowhead

Compute sum of  
areas of individual  
elements on wall or  
structure.

PARKING 

Village Center

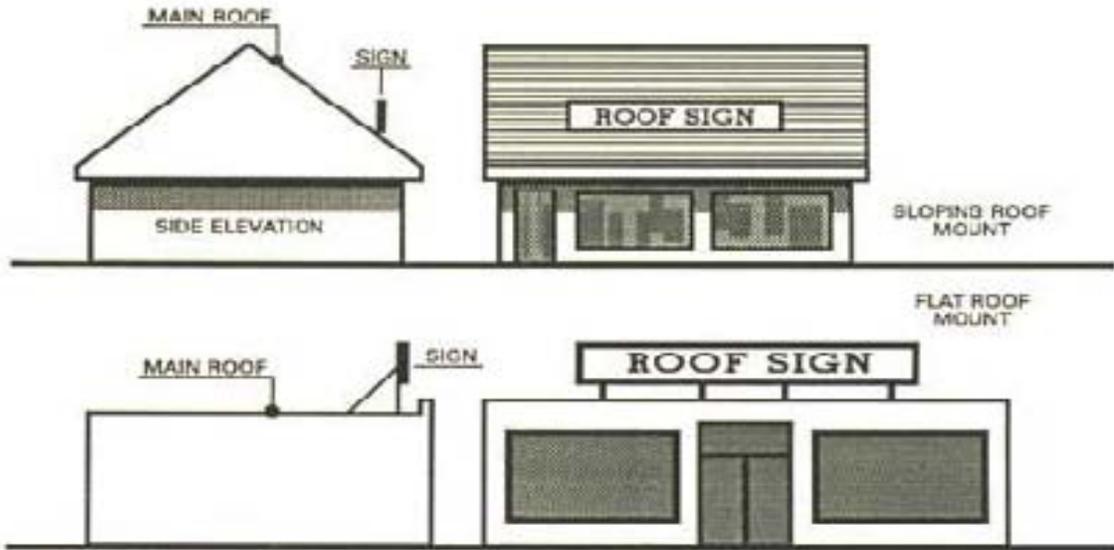
In computing area for upper  
And lower case lettering, include  
ascenders or decenders, but not  
both. Calculate super ascenders  
separately as indicated.

### SIGN AREA -COMPUTATION METHODOLOGY

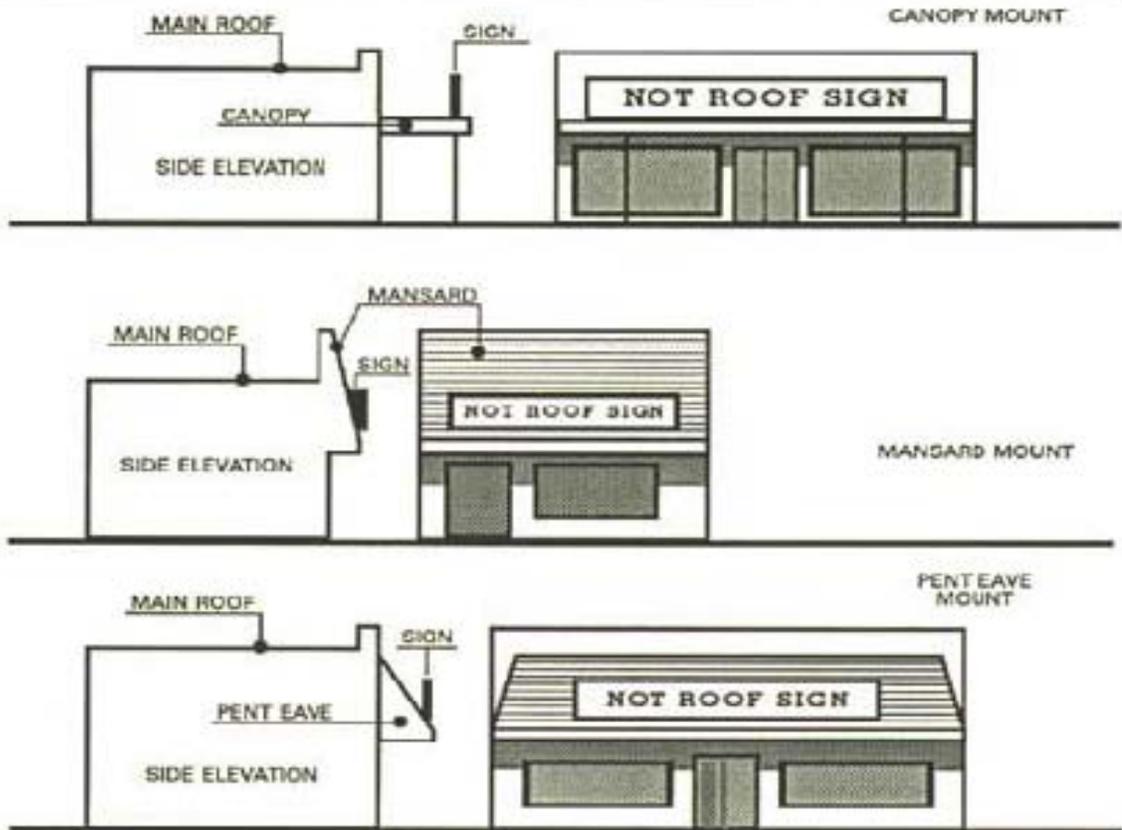
Sum of Shaded Areas Only Represent Sign Area For Code Compliance Purposes Signs consisting of individual letters, elements, or logos placed on building walls or structures.

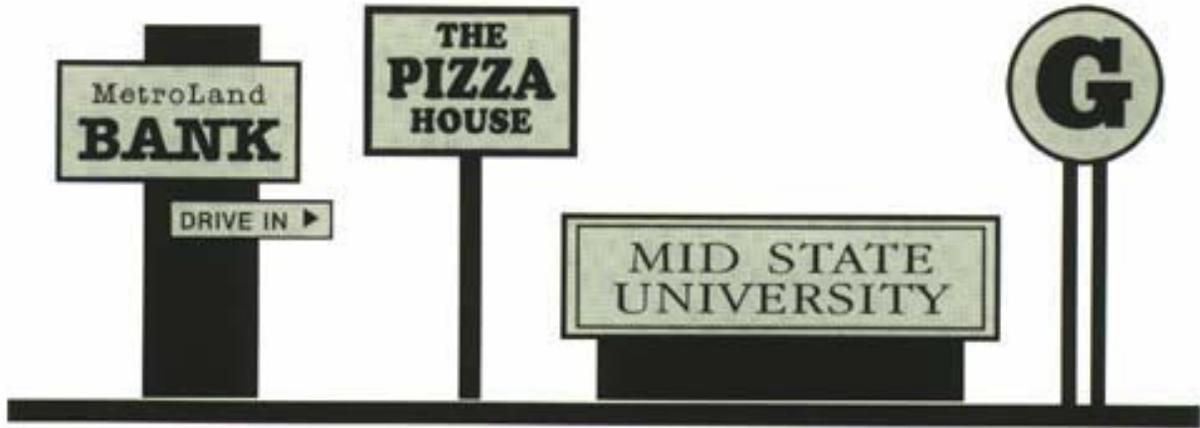
Sign Figure 14.32.11c COMPARISON -ROOF & WALL OR FASCIA SIGNS

ROOF SIGNS

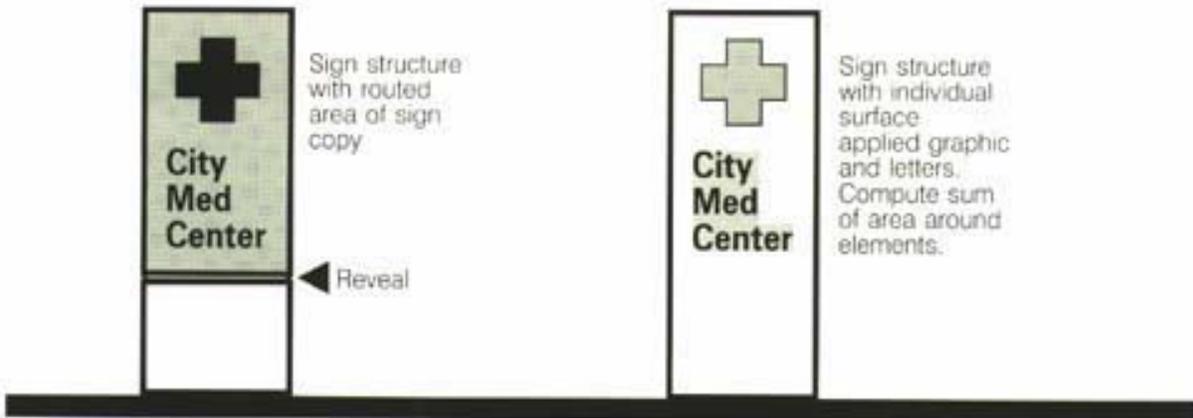


FASCIA SIGNS ON ROOF-LIKE PROJECTIONS





Sign structures



**Sign Figure 14.32.11d: SIGN AREA -COMPUTATION METHODOLOGY**  
 Sum of Shaded Areas Only Represent Sign Area Signs constructed with panels or cabinets

## Chapter 14.36

### General Standards

#### Sections:

- 14.36.01 Off-Street Parking and Loading
- 14.36.02 Driveways and Access - Multifamily and Nonresidential
- 14.36.03 Landscaping and Screening
- 14.36.04 Corner Visibility
- 14.36.05 Residential Compatibility Standards
- 14.36.06 Fences
- 14.36.07 Sidewalks
- 14.36.08 Drainage and Stormwater Management

#### 14.36.01 Off-Street Parking and Loading.

(a) Applicability. Off-street parking and loading shall be provided in accordance with the regulations of this section for all new development, and for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats.

#### (b) Parking and Loading Schedules.

(1) Off-Street Parking Schedule A. Off-street parking spaces shall be provided in accordance with the following off-street parking schedule (Schedule A), provided that there shall be no minimum off-street parking requirement for uses located in the C-1 district. In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B.

The number of parking spaces required for a use not listed herein shall be the same as for a similar use which is listed. Where the required number of spaces cannot be ascertained by this method, or the applicant and the city staff cannot agree, the matter shall be submitted to the planning commission for determination.

Such determination shall be subject to appeal to the City Council.

## Schedule A

### Residential Uses Number of Spaces Required

Single-family detached	2 per dwelling unit
Single-family attached	2 per dwelling unit
Duplex	2 per dwelling unit
Multi-family	1.25 per efficiency unit 1.75 per one-bedroom unit 2.25 per two-bedroom unit 3.00 per three-bedroom and larger units
Manufactured housing (all)	2 per dwelling unit
Manufactured housing park	2 per unit, plus 1 for each 10 units
Zero lot line single-family	2 per dwelling unit

### Civic & Commercial Uses

Animal care, general	1 per 400 square feet
Animal care, limited	1 per 300 square feet
Auditorium, arena, theater	1 for each 4 seats, based on maximum capacity
Bank or financial institution	1 per 300 square feet
Bed and breakfast	2 per building, plus 1 per guest room
Church	1 for each 4 seats in the sanctuary (sharing possible)
College or university	1 per 300 square feet, or 1 for each 2 students, whichever is greater
Communication tower	1 space (plus office space, if on site)
Construction sales and service	Spaces to be provided pursuant to Schedule B
Convenience store	1 per 200 square feet
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Funeral home	1 for each 4 chapel seats, plus 1 per employee

**Schedule A (continued)**

<b>Civic &amp; Commercial Uses</b>	<b>Number of Spaces Required</b>
Government service	1 per 300 square feet
Hospital	1 for each 3 beds, plus 1 for each 3 employees
Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet
Office, General	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
Restaurant, fast food	1 per 75 square feet of customer service/dining area; 1 per 200 square feet if no such service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
Retail/service, general	1 per 250 square feet
Retail/service, furniture & bulky items	Spaces to be provided pursuant to Schedule B
School, nursery, elementary & middle	1 per staff and employee, plus space per classroom
School, high	1 for each 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus per pump
Vehicle & equipment sales	Spaces to be provided pursuant to Schedule B
Vehicle repair, general or limited	5 per service bay
Vocational school	1 per 3 students, plus per faculty member
Warehouse, residential (mini) storage	1 for each 5 storage bays, or 1 per 1,000 square feet, whichever is greater

**Schedule A (continued)**

<b>Industrial &amp; Manufacturing Uses</b>	<b>Number of Spaces Required</b>
Asphalt or concrete plant	Spaces to be provided pursuant to Schedule B
Auto wrecking or salvage yard	Spaces to be provided pursuant to Schedule B
Manufacturing, general	Spaces to be provided pursuant to Schedule B
Manufacturing, limited	Spaces to be provided pursuant to Schedule B
Research service	1 per 300 square feet
Warehousing	Spaces to be provided pursuant to Schedule B
Welding or machine shop	1 per 1,000 square feet or 1 per employee, whichever

(2) Off- Street Parking Schedule B. Off-street parking for Schedule B uses shall be provided in accordance with the following table

**Schedule B**

<b>Activity</b>	<b>Number of Spaces Required</b>
Office or administrative area	1 per 300 square feet
Indoor sales, service or display area	1 per 500 square feet
Outdoor sales, service or display area	1 per 750 square feet
Manufacturing area	1 per 1,000 square feet
Indoor storage, warehousing, or equipment servicing	1 per 5,000 square feet unless number of employees and visitors requires greater

(3) Off-Street Loading Schedule. Off-street loading spaces shall be provided in accordance with the following minimum standards.

**Off-Street Loading Schedule**

Floor Area (Square Feet)	Minimum Off-Street Loading Requirement
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**Retail and Service, Warehouse, Wholesale, & Manufacturing Uses**

3,000 to 25,000	1
25,001 to 85,000	2
85,001 to 155,000	3
155,001 to 235,000	4
235,001 to 325,000	5
325,001 to 425,000	6
425,001 to 535,000	7
535,001 to 655,000	8
655,001 to 775,000	9
775,001 to 925,000	10
925,001 or more	10, plus 1 per 200,000 square feet above 925,001

**Office, Nursing Home, Hospital, Hotels & Institutions**

3,000 to 100,000	1
100,001 to 335,000	2
335,001 to 625,000	3
625,001 to 945,000	4
945,001 or more	5, plus 1 per 500,000 square feet above 945,001

(c) Computing Off-Street Parking and Loading Requirements

(1) Multiple Uses. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

(2) Fractions. When measurements of the number of required spaces result in fractions, any fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.

(3) Area. Unless otherwise noted in the provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area.

(4) Employees, Students and Occupant-Based Standards. For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

(5) American's With Disability Act Requirements (ADA). Pursuant to federal ADA standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by person with physical disabilities. Responsibility for compliance, in all respects, shall rest with the applicant.

(d) Location and Design of Off-Street Parking and Loading Spaces

(1) On-Site. Except as otherwise specifically provided, required off-street parking and loading spaces shall be located on the same lot as the principal use.

(2) Right-of-Way. Off-street parking spaces shall be prohibited within the public right-of-way; and no portion of the abutting street right-of-way shall, except for the driveway, shall be paved or used in any manner except as green area.

(3) Setbacks

(a) In **single family RR, R-O, R-1, and R1A** districts, required off-street parking shall not be located within a street setback. Parking in excess of the required number of spaces is allowed in the street setback, but not off the driveway, and not in a manner which obstructs sidewalks or visibility.

(b) Where parking is to be provided in the street setback of a multi-family dwelling, there shall be established a setback line of ten feet (10'). The area between the setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover not inconsistent with other landscaping provisions contained herein, and protected by interior curbing.

(c) In all commercial and industrial districts, required parking is allowed within the street setback.

(4) Ingress and Egress. Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to back onto a public right-of-way, except single family and duplex residential development on local and collector streets.

(5) Surfacing. All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete or brick; provided driveways serving single-family dwellings shall only be required to pave the first one hundred feet (100'), as measured from the street. The area of the driveway from the edge of the street to the property line shall be paved.

(6) Drainage. All off-street parking and loading areas shall be designed with drainage facilities adequate to dispose of all stormwater, and to not increase the stormwater runoff onto the surface of adjoining properties or streets.

(7) Curbing. The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of single-family, duplex, triplex and fourplex residences. Landscape islands and other interior features within parking lots shall also be protected by curbs. The area between the curb and the property line, except for the driveway, shall be maintained as green space.

(8) Striping. Off-street parking areas containing five (5) or more spaces shall be delineated by pavement striping.

(9) Parking Space Dimensions. Off-street parking spaces shall contain a minimum area of at least one hundred eighty (180) square feet, with a minimum width of nine feet (9') and a minimum length of eighteen feet (18').

(10) Loading Space Dimensions. Off-street loading spaces shall be at least fourteen feet (14') by forty-five feet (45') in size, with a minimum eighteen foot (18') height clearance.

(11) Aisle Dimensions. Drive aisles within off-street parking lots shall comply with the following minimum width requirements:

<b>Parking Angle</b>	<b>One-Way Aisle</b>	<b>Two-Way Aisle</b>
90E	24'	24'
60E	18'	24'
45E	16'	24'
30E	13'	24'

(12) Timing of Construction. All required parking and loading spaces, driving aisles, and accessways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued by the Inspection Department if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this timing requirement. Before approval of a temporary certificate of occupancy, the parking area subgrade (stone base) shall be compacted in accordance with the City's construction standards. The temporary certificate of occupancy shall expire at the end of one hundred twenty (120) days or within such shorter time-frame specified by the Inspection Department at the time of approval of the certificate.

(13) Use of Off-Street Parking and Loading Spaces. Required off-street parking spaces shall be used solely for the parking of motor vehicles in operating condition, and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, materials, tractor trailers or other temporary storage unless they are located in a designated staging area and are screened, fenced or otherwise fully shielded from public view.

(e) Off-Site Parking. Required off-street parking shall be located on the same lot as the use it is intended to serve, provided that a portion, not to exceed twenty-five percent (25%), of the required off-street parking spaces may be located on a remote and separate lot from the lot on which the principal use is located, if the off-site parking complies with the following standards.

- (1) Ineligible Activities. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores, or other convenience-oriented uses.
  
  - (2) Location. No off-site parking area shall be located more than eighty feet (80') from the required parking lot of the use served, unless a shuttle service is provided. Distance shall be measured along the shortest legal, practical walking route.
  
  - (3) Zoning Classification. Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.
  
  - (4) Agreement for Off-Site Parking. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement shall be required. An attested copy of the agreement between the owners of record shall be submitted to the zoning official for recording. In addition, whether under the same ownership or not, a legal document to prevent development of the off-site parking area shall be executed and recorded. Recording of the agreement(s) shall take place before issuance of a building permit for any use to be served by the off-site parking area; or in the case of an existing building, prior to issuance of a certificate of occupancy.
- (f) Shared Parking. The zoning official, subject to appeal to the planning commission, may authorize a reduction in the number of required parking spaces for multiple use developments and for uses that are located near one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards.
- (1) Location. Shared off-street parking spaces shall be located no further than five hundred feet (500') from the building and uses they are intended to serve unless shuttle service is provided.
  
  - (2) Study. An acceptable parking study shall be submitted which clearly established that uses will make use of the shared spaces at different times of the day, week, month or year.
  
  - (3) Agreement. A shared parking plan shall be enforced through written agreement. Proof of recording of the agreement shall be presented prior to issuance of a building permit.
  
  - (4) Revocation of Certificate of Occupancy. Failure to comply with the shared parking provisions of this article shall constitute a violation of this Ordinance, and shall specifically be cause for revocation of a certificate of occupancy.

(g) Outdoor Parking/Storage of Boats, Trailers, and Recreational Vehicles. One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

- (1) The boat, trailer or recreational vehicle is owned and used by a resident of the premises;
- (2) The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight (8) hours;
- (3) If the boat, trailer or recreational vehicle is located in the side or rear yard, it shall be effectively screened from view of abutting lands by a wall, fence or dense hedge planting at least six feet (6") in height;
- (4) The boat, trailer or recreational vehicle is not used for living, sleeping or housekeeping purposes; and
- (5) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law.

(h) Vehicle Stack Space for Drive-Through Facilities. In addition to meeting the off-street parking requirements of the section, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards.

(1) Stack Space Schedule

- (a) Fast-food restaurants, 110', measured from the order station.
- (b) Banks, 70', measured from the teller drop.
- (c) Automatic car wash, 50', measured from the entrance.
- (d) Other uses, 30', measured from the pick-up window.

(2) Design and Layout. Vehicle stack spaces shall be subject to the following design and layout standards.

- (a) Stack spaces shall be designed so as not to impede pedestrian access to the building; on and off site traffic movements; or movements into or out of parking spaces.
- (b) Stack space lanes shall be a minimum of eight feet (8') wide, and shall be separated from other internal driveways with painted lines or curbing.

14.36.02 Driveways and Access - Multifamily and Nonresidential. The following standards shall apply to all driveways providing access to multi-family or nonresidential uses.

(a) General Standards

(1) Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.

(2) Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to approval of the City Engineer. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.

(3) Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking system.

(b) Driveway Spacing

(1) Arterial Streets. Direct access to any arterial street shall be limited to the following restrictions:

(a) Spacing from Signalized Intersections. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least one hundred twenty feet (120') from the perpendicular curb face of the intersecting street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the City Engineer may approve a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

(b) Spacing from Other (Non-signalized) Access Points. All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to any non-signalized street or driveway intersection is at least eighty feet (80') from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the City Engineer may approve a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

(2) Collector Streets. Direct access to collector streets shall be regulated in accordance with the following standards:

(a) Spacing from Signalized Intersections. All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least one hundred twenty feet (120') from the perpendicular curb face of an intersecting arterial street and eighty feet (80') from the perpendicular curb face of an intersecting collector or local street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the City Engineer may approve a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

(b) Spacing from Other (Non-signalized) Access Points. All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized street or driveway intersection is at least eighty feet (80') from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, the City Engineer may approve a reduction in spacing as long as the reduction does not result in an unsafe traffic condition.

(3) Driveways Per Parcel

(a) At least one driveway shall be permitted for any lot. Shared driveways shall be recommended for lots that have less than one hundred fifty feet (150') of frontage.

(b) Driveways shall be located a minimum of twenty feet (20') from the side property lines. A separation of forty feet (40') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') to each other.

(c) Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than five feet (5') to the beginning of the curb radius.

(4) Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of thirteen feet (13') in width and shall not have more than three (3) lanes in one entrance/exit.

14.36.03 Landscaping and Screening. This section sets out the minimum landscaping and screening requirements for new development in the City of Jonesboro.

(a) Applicability Exemptions. The following shall be exempt from the standards of this section:

(1) Residential. The AG, RR, R-O, R-1, R-1A, and R-2 districts shall be exempt from all standards of this section.

(2) Existing Development - Changes in Use. Improvements or repairs to existing development that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

(b) General Landscaping Requirements. In the absence of a landscape plan, the following general landscaping requirements shall apply to all development;

(1) Landscaping Required. All multi-family development of five (5) units or more, and all commercial development shall be required to provide at least one (1) tree or three (3), five (5) gallon shrubs per unit within the development.

(2) Location. Landscaping required pursuant to this section shall be installed between the property line and the required street setback areas.

(c) Parking Lot Landscaping. In the absence of a landscaping plan, the parking lot landscaping standards of this section shall apply to the interior of all off-street parking areas containing more than ten (10) off-street parking spaces. They shall not apply to vehicle and equipment sales lots or storage areas, multi-level parking structures, or areas devoted to drive-through lanes.

(1) Relationship to Other Landscaping Standards. Trees provided to meet the above general landscaping requirements may be used to meet a development's parking lot landscaping requirements.

(2) Required Landscaping. In the absence of a landscape plan, at least one (1) tree or three (3), five (5) gallon shrubs shall be provided for each ten (10) parking spaces and fraction thereof within an off-street parking area.

(3) Location. Required landscaping shall be reasonably dispersed throughout off-street parking areas.

(4) Planting Areas. Planting areas that contain trees shall be at least seven feet (7') wide and protected by raised curbs to prevent damage by vehicle.

(d) Dumpster Screening. Dumpsters located in any district shall be completely screened from view on all sides visible to the public by a fence or wall with a minimum height of six feet (6'), or one foot (1') taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster, and be compatible in material and color with the principal structure on the lot.

(e) Landscape Material Standards. The following standards shall be considered the minimum required planting standards for all trees and landscape material:

(1) Plant Quality. Plants installed to satisfy the requirement of this section shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown and adapted to the local area.

(2) Artificial Plants. No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Commission.

(3) Trees

(a) Types

(1) Required. Where required or permitted, trees shall be of ornamental, evergreen, or of the large deciduous types.

(2) Prohibited. The following trees shall be prohibited and shall not be used to satisfy the landscaping or buffering standards of this section unless approved by the Planning Commission: box elder, soft maple, hackberry, or American elm.

(3) Species Mix. When more than ten (10) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. For each ten (10), or fractions thereof, another differing species shall be used.

(b) Size

(1) Medium and Large Deciduous Trees. Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet (8'), and a minimum diameter of three inch (3"), measured at a point that is at least four and one-half feet (4.5') above existing grade level.

(2) Small Deciduous or Ornamental Trees. Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet (4').

(3) Conifers or Evergreens. Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of six feet (6').

(4) Use of Existing Plant Material. Trees that exist on site, prior to its development, may be used to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section.

(f) Installation, Maintenance and Replacement

(1) Installation. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, insuring that planting will take place when planting season arrives.

(2) Maintenance and Replacement. Trees, shrubs, fences, walls and other landscape features (which includes screening) depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

(a) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;

(b) The repair or replacement of required landscape structures (e.g., fences and walls) to a structurally sound condition;

(c) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and

(d) Continuous maintenance of the site.

(g) Alternative Compliance. Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved, an alternative compliance landscape plan may be substituted, in whole or in part, for landscaping that meets the expressed terms of this section.

(1) Procedure. Alternative compliance landscape plans shall be considered through the site plan review process.

(a) Review Criteria. In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards, and plans that demonstrate innovative design and use of plant materials. Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

(1) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;

(2) Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffering or screening standards of this section;

(3) The required landscaping or buffering would be ineffective at maturity due to topography, or the location of improvements on the site; or

(4) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

14.36.04 Corner Visibility. On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above curb grade within the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five feet (25') from their point of intersection. This sight triangle standard may be increased by the City in those instances deemed necessary for promoting traffic safety, and may be lessened at intersections involving one-way streets.

14.36.05 Residential Compatibility Standards. The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with high density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family and duplex uses.

(a) Applicability (Triggering Property). Compatibility standards shall apply to all development in the C-1, C-2, C-3, C-4, **CR-1**, I-1 and I-2 zoning districts when such development is adjacent to triggering property, which shall include all property:

(1) occupied by a single-family or duplex dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

(2) zoned in an **“RS” or “RM” RR, R-O, R-1, R-1A, R-2, R-2A, or R-3** zoning district.

(b) Exemptions

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, railroad track, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) construction of a use permitted by-right in a **“RS” or “RM” RR, R-O, R-1, R-1A, R-2, R-2A, or R-3** district; provided that multi-family development shall be screened when abutting a single-family use or zone;

(b) structural alteration of an existing building when such alteration does not increase the building’s square footage or height; and

(c) a change in use that does not increase the minimum number of off-street parking spaces required.

(c) Setback Standards. The following setback standards shall apply to all development that is subject to compatibility standards.

(1) Small Sites. On sites with twenty thousand (20,000) square feet of area or less that also have less than one hundred feet (100') of street frontage, structures shall be set back from the lot line of triggering property in accordance with the following requirements:

<b>Street Frontage</b>	<b>Minimum Setback</b>
0 to 52.50 feet	10.0 feet
52.51 to 54.99 feet	10.5 feet
55.00 to 57.50 feet	11.0 feet
57.51 to 59.99 feet	11.5 feet
60.00 to 62.50 feet	12.0 feet
62.51 to 64.99 feet	12.5 feet
65.00 to 67.50 feet	13.0 feet
67.51 to 69.99 feet	13.5 feet
70.00 to 72.50 feet	14.0 feet
72.51 to 74.99 feet	14.5 feet
75.00 to 77.50 feet	15.0 feet
77.51 to 79.99 feet	15.5 feet
80.00 to 82.50 feet	16.0 feet
82.51 to 84.99 feet	16.5 feet
85.00 to 87.50 feet	17.0 feet
87.51 to 89.99 feet	17.5 feet
90.00 to 92.50 feet	18.0 feet
92.51 to 94.99 feet	18.5 feet
95.00 to 97.50 feet	19.0 feet
97.51 to 99.99 feet	19.5 feet

(2) Large Sites. On sites with more than twenty thousand (20,000) square feet of area or one hundred feet (100') of street frontage or more, no structure shall be erected within twenty feet (20') of the lot line of triggering property.

(3) Surface-Level Parking and Driveways. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards, however such standards shall apply to parking structures. Surface-level parking areas shall be setback a minimum of ten feet (10') from the lot line of triggering property.

(d) Building Height. No structure shall exceed thirty-five feet (35') in height within fifty feet (50') of the lot line of triggering property. Structures located over fifty feet (50') from the lot line of triggering property may increase height (if permitted by base district zoning regulations) at a ratio of one foot in height for each five feet (5') of setback. For example, a building limited to a maximum of 35' in height at 50' from triggering property may be increased to a maximum height of 45' at a point that is 100' from the lot line of triggering property.

(e) Screening Standards. Decorative walls, vegetative screening, fencing or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(f) Site Design Standards. The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(1) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within fifty feet (50') of the lot line of triggering property.

(2) Dumpsters and refuse receptacles shall be located a minimum of twenty-five feet (25') from the lot line of triggering property.

(3) Exterior lighting shall be designed to minimize light spilling onto surrounding property.

14.36.06 Fences. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of all fences.

(a) Maximum Height. Fences shall not exceed eight feet (8') in height, unless approved by the Planning Commission. Fencing in the I-1 and I-2 districts, and around tennis courts and other recreational amenities, shall be exempt from this height limit.

(b) Corner Visibility. Fences shall comply with the corner visibility standards of Section 14.36.04.

(c) Construction/ Materials. Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the outside of the fence. All

exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.

(d) Design and Maintenance. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(e) Prohibited. Barbed wire and electrified fences shall be prohibited on all lots of less than two (2) acres in area.

#### 14.36.07 Sidewalks.

(a) Multi-family and Commercial Development. Sidewalks shall be required for all multi-family developments that contain five (5) units or more. Sidewalks may be required through the site plan approval process for commercial developments.

(b) Construction Standards. Sidewalks shall be constructed in accordance with all applicable City standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. If detached and set back at least five feet (5') from the back of the curb, such sidewalks shall have a minimum width of four feet (4'). If attached to the curb or located closer than five feet (5') to the curb, such sidewalks shall have a minimum width of five feet (5').

(c) Timing of Installation. Required sidewalks shall be installed prior to occupancy of any structure.

14.36.08 Drainage and Stormwater Management. Adequate provision for drainage of surface water and stormwater management shall be made for all development and redevelopment. Plans for such, including grading plans, for all commercial and industrial development, and all multi-family developments that contain five (5) units or more, shall be submitted and considered as part of the site plan approval process. All such plans shall be prepared by a registered, professional civil engineer licensed in Arkansas, and submitted and considered as part of the site plan approval process. Such plans shall contain adequate and properly designed measures to control erosion and sediment discharge from the construction site, and to prevent water pollution which may result from such discharges and runoff. Effective January 1, 2003, the provisions of this section shall become applicable to all development and redevelopment on tracts of one (1) acre or more, regardless of type of development or use.

## Chapter 14.40

### Board of Zoning Adjustment

#### Sections:

- 14.40.01 Creation and Appointment
- 14.40.02 Organization
- 14.40.03 Powers and Duties
- 14.40.04 Procedure for Applications and Appeals

14.40.01 Creation and Appointment. There is hereby created a board of zoning adjustment consisting of five (5) members to be appointed for three-year terms, with at least one member being a planning commissioner. All members shall be qualified electors and residents of the City of Jonesboro. The members of the board of zoning adjustment that was legally in existence immediately prior to the effective date of this chapter shall be constituted as members and continue serving their present term as member of the board of zoning adjustment hereby created; provided the member with the least time remaining on his term shall be replaced by a member of the planning commission.

14.40.02 Organization. The board of zoning adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public. The board of zoning adjustment shall keep minutes of its vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the city planner. A quorum of the board shall consist of three (3) members. The concurring vote of a majority of the total board members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this ordinance. The city planner or his representative shall attend each meeting of the board and shall bring with him all plans, specifications, plats, and papers relating to any case before the board for determination.

14.40.03 Powers and Duties. The board of zoning adjustment shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly described as follows:

- (a) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance. The board may affirm or reverse, in whole or in part, said decision of the administrative official.

(b) Variances. To authorize upon appeal in specific cases such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of this zoning ordinance shall not be granted by the board of zoning adjustment unless and until:

(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district; that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment 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.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this zoning ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) In granting any variance, the board of zoning adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. 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 this ordinance.

(6) Under no circumstances shall the board of zoning adjustment grant a variance to allow a use not permissible under the terms of this zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(c) Special exceptions. In addition to the powers and duties specified above, the board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

(1) Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.

(2) Determine the amount of parking required for a use not listed herein.

(3) Vary the parking regulations by not more than twenty-five percent (25%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance.

(4) Permit an addition to a nonconforming structure provided that said addition conforms to all building code requirements, and further provided that the current use of the structure conforms to the zoning district in which it is located.

#### 14.40.04. Procedure for Applications and 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 administrative official. All appeals and applications made to the board shall be made in writing on forms prescribed by the board within fifteen (15) days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the code involved and shall exactly set forth:

(1) The interpretation that is claimed;

(2) The use for which the permit is sought; or

(3) The details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

The appeal or application shall be filed with the officer from whom appeal is taken and with the board. The officer from whom appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(b) Public Hearing and Notice. The board shall fix a reasonable time for the public hearing of an application or 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 (7) days preceding the date of such hearing in a newspaper of general circulation in Jonesboro. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of what the application or appeal consists. Evidence of notification of all adjoining property owners shall accompany all applications for variances. Such notification shall include the above described public notice information, as well as the time and place where the public hearing will be conducted. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. 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 and proceeds to completion in accordance with the terms of a building permit.

(e) Appeals from Board of Zoning Adjustment. Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the board of zoning adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

## Chapter 14.44

### Administration and Enforcement

#### Sections:

- 14.44.01 Administrative Officer
- 14.44.02 Zoning and Building Permits
- 14.44.03 Certificate of Occupancy
- 14.44.04 Penalty for Violation
- 14.44.05 Amendments
- 14.44.06 Fees

14.44.01 Administrative Officer. The provisions of this zoning ordinance shall be administered by the Department of Planning, Inspection, and Code Enforcement under the direction of the city planner, who shall act as an administrative official. They may be provided with the assistance of such other persons as the mayor may direct. It shall be the duty of the administrative official to see that this ordinance is enforced through the proper legal channels. Appeal from the decision of the administrative official may be made to the board of zoning adjustment. The administrative official, and his designees, are generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of this ordinance; said activities to include, but not be limited to, the following:

- (a) Permits. To issue a zoning permit, building permit, and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of noncompliance, and to give written notice of such refusal and reason thereof to the applicant.
- (b) Collections. To cause the collection of the designated fees as set forth in these regulations.
- (c) Records. To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning and building permits, and certificates of occupancy, and the receipt of complaints of violation of these regulations and action taken on the same, and to file such for record.
- (d) Inspections. To inspect any building or land to determine whether any violations of these regulations have been committed or exist.

(e) Enforcements. To enforce these regulations and take all necessary steps to remedy any condition found in violation. The City of Jonesboro may enjoin any individual or property owner who is in violation of this ordinance to prevent or correct such violation. Any individual aggrieved by a violation of this ordinance may request an injunction against any individual or property owner in violation of this ordinance, or may mandamus any official to enforce the provisions of this ordinance.

(f) Advisements. To keep the mayor, city council, planning commission, and board of zoning adjustment advised of all matters other than routine which relate to the administration and enforcement of this ordinance.

14.44.02 Zoning and Building Permits. It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until a zoning permit and a building permit has been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building laws, ordinances, or regulations. A zoning permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition a change of use for commercial, industrial and multi-family purposes. In addition, a zoning permit evidencing compliance with the provisions of this ordinance shall be a pre-requisite to the issuance of a city privilege or occupation license.

All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage and such other information as may be necessary to provide for the administration of this ordinance.

Site plans, sealed by a professional engineer licensed in the State of Arkansas, shall be required in accordance with the City of Jonesboro Stormwater Management/Drainage Ordinance for all development or redevelopment proposals. Multi-family development plans of five (5) or more units and all commercial developments shall be sealed by an architect licensed in the State of Arkansas. *(Amended by ORD: 07:3165, December 18, 2007)*

Site plans shall be required for all multi-family development proposals of five (5) units or more; as well as for all new commercial and industrial development and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Metropolitan Area Planning Commission; provided that large-scale commercial development of over seventy-five thousand (75,000) square feet of gross floor area, and multi-family developments of more than forty-eight (48) units shall be approved by the Metropolitan Area Planning Commission. Site plan decisions by the MAPC shall be subject to appeal to the City Council. Complete requirements for site plans are included in the appendices hereto.

#### 14.44.03 Certificate of Occupancy.

(a) Purpose and authority. Certificates of occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this chapter, as well as any site plans or conditional approvals for such structures and development.

The building inspector shall have the authority and responsibility to issue and keep records of certificates of occupancy in accordance with the requirements set forth in the ordinance, and the building code.

A certificate of occupancy must be applied for and issued by the building inspector prior to occupancy and use of a structure or premises for any of the following:

- (1) Any new structure.
- (2) Any addition to an existing nonresidential structure.
- (3) Any change in occupancy or use of a building or premises that involves nonresidential occupancy.
- (4) Placement or change in occupancy of any mobile home on any lot or parcel, regardless of use.

(b) Procedure. A certificate of occupancy shall be applied for coincident with the application for a building permit and must be issued before occupancy and connection of utilities to such building.

The building official or his designated agent shall inspect the property which is the subject of an application within a reasonable time, after a completed application has been filed, and shall issue a certificate of occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Jonesboro. If the premises do not so comply, the building official shall deny the application in a written notice mailed to the applicant with five (5) days, excluding weekends and holidays, after the inspection of the property, specifying the provisions of which ordinance or code the structure or development does not comply.

A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion of the building. A temporary certificate of occupancy shall be valid for a period not exceeding six (6) months. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy or any other matter required by this ordinance.

(c) Contents of Certificate of Occupancy. Information required for submission to

obtain a certificate of occupancy shall include:

- (1) Name of applicant.
- (2) Nature and extent of the applicant's ownership interest in the subject property.
- (3) Address of the property for which a certificate is requested.
- (4) A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.
- (5a.) (4) copies of a site plan for any new construction (same as required for a building permit) for the structure or the development of which such structure is a part is required. *(Amended by ORD 07:3165, Adopted December 18, 2007)*
- (5b.) (4) copies of architectural plans for the proposed structure or the development of which such structure is a part is required. When no new work is required with a change in use of a commercial space, such request for Certificate of Occupancy shall accompany a letter of code analysis by a registered Architect within the State of Arkansas certifying compliance with all applicable building, zoning and fire codes. *(Amended by ORD 07:3165, Adopted December 18, 2007)*
- (6) Such other information as requested by the building official to ensure conformance with applicable development regulations.

14.44.04 Penalty for Violation. Any person, firm or corporation who shall violate any of the provisions of this zoning ordinance or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a class C misdemeanor and shall be liable to a fine of not more than five hundred dollars (\$500.00), nor less 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 this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

14.44.05 Amendments. Two (2) types of amendments to this zoning ordinance are recognized; one being a revision in the textual provisions of the ordinance, and the other being a change of boundary in a zoning district.

- (a) Amendment to Text. Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.

(1) Notice. The City Planner shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice, and ensure that the notice is published in a newspaper of general circulation with the city at least fifteen (15) days before the public hearing.

(2) Hearing and Recommendation by the Planning Commission. The planning commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the commission shall determine its recommendation(s) regarding the proposed amendment, and make such known to the city council.

(3) Action by the City Council. After receiving the recommendation of the planning commission, the city council may approve the amendment as submitted; may approved a revised version they deem appropriate; refer it back to the planning commission for further study and consideration; table it; or deny it. If the city council action does not take place with six (6) months after the planning commissions public hearing, the amendment process must begin anew.

(b) Change in District Boundary. A change in a district boundary, also referred to as a map amendment or a rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

(1) Application Submittal. A complete application for change in district boundary or map amendment, hereafter referred to as a rezoning, shall be submitted to the city planner in a form established by him, along with a non-refundable processing fee of one hundred dollars (\$100.00). Applications shall be filed by the 17<sup>th</sup> of the month in order to be placed on the planning commission agenda for the subsequent months meeting, which is held on the second Tuesday thereof. No application shall be processed until the city planner determines that the application is complete and the required fee has been paid.

(2) Notice. Promptly upon determining that the application if complete, the city planner shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date, and provide at least fifteen (15) days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.

The applicant shall (1) post notice on weatherproof signs provided by the City; (2) place the signs on the property that is the subject of the application at least ten (10) days before the public hearing; and (3) ensure that the signs remain

continuously posted until a final decision is made by the city council. At least one (1) sign shall be posted by the applicant for each one hundred and fifty feet (150') of street frontage, up to a maximum of five (5) signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passers-by. There shall be a minimum of one (1) sign along each abutting street.

(3) Hearing and Recommendation by the Planning Commission. The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application, and submit an accurate written summary of the proceedings to the city council.

(4) Hearing and Action by the City Council. After the planning commission recommends approval of an application, the applicant shall be responsible for preparing the appropriate ordinance and requesting that the City Clerk place it on the city councils agenda. Agenda item requests and all documentation shall be submitted in a form established by the City Clerk, and be accompanied by a publication fee prescribed by law.

If the planning commission does not recommend approval of an application, the city council may consider the matter after an appeal is filed by the property owner with the City Clerk, and a special public hearing is set and subsequently held. Applicant responsibility with regard filing documents with the City Clerk and paying said fee as described above is also applicable.

In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it; and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the planning commissions required public notice.

(5) Approval Criteria. The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan.
- (b) Consistency of the proposal with the purpose of this ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of

the surrounding area;

(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;

(f) Length of time the subject property has remained vacant as zone, as well as its zoning at the time of purchase by the applicant; and

(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

(6) Successive Applications. In the event that the city council denies an application for a rezoning, a similar application shall not be considered by the planning commission for six (6) months from the date of the denial by the city council, unless the planning commission, upon recommendation by the city planner, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area affected by the proposed rezoning.

14.44.06 Fees. Before any action shall be taken as provided in this ordinance, the applicant shall submit a fee with the application in accordance with the latest adopted fee schedule below. Under no condition shall said sum or any part thereof be refunded for failure of said action to be approved by the city.

Rezoning . . . . .	\$100.00
Conditional Use Permit . . . . .	100.00
Board of Zoning Adjustment . . . . .	100.00
Site Plan . . . . .	50.00
Certificate of Occupancy . . . . .	25.00

## Chapter 14.48

### Validity and Repeal

#### Sections:

14.48.01 Validity

14.48.02 Repeal

14.48.01 Validity. This zoning ordinance and the 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 this zoning ordinance shall not be affected thereby.

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

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

## Appendix A

### Site Plan

At a minimum, site plan applications shall provide on a suitable medium the following information and format:

- \_\_\_ 1. Name of the development or subdivision;
- \_\_\_ 2. Address and lot number of the property;
- \_\_\_ 3. Location map drawn to a minimum scale of one inch (1") equals one thousand feet (1,000') and including city limits and streets with one-half ( ) mile radius of the site;
- \_\_\_ 4. Name, address and telephone numbers of all owners and the applicant;
- \_\_\_ 5. North arrow;
- \_\_\_ 6. Drawn to a minimum scale of one inch (1") equals fifty feet (50') and a graphic scale included;
- \_\_\_ 7. City, county and state;
- \_\_\_ 8. Date;
- \_\_\_ 9. Existing zoning;
- \_\_\_ 10. Name, address and telephone number of all professional consultants;
- \_\_\_ 11. Seal of the appropriate professional registered in the State of Arkansas;
- \_\_\_ 12. Acreage and square footage of the site;
- \_\_\_ 13. Minimum required street, side and rear setbacks, per city code and by private requirements, if any exist, if more restrictive than the city code requirements;
- \_\_\_ 14. Floodway and floodplain boundaries with elevations referenced to, and showing the exact location of, the nearest benchmark;
- \_\_\_ 15. Existing and proposed land contours showing vertical intervals no greater than two feet (2');
- \_\_\_ 16. Length of site boundaries measured to the nearest 1/10 foot;
- \_\_\_ 17. Value of all true bearings and angles as dimensioned in degrees and minutes;
- \_\_\_ 18. Location, square footage and exterior dimension, measured from outside walls of all existing and proposed buildings and structures;

- \_\_\_\_\_ 19. All proposed improvements in their exact relationship to existing contours and other topographic features;
- \_\_\_\_\_ 20. Easements indicating location, dimension and type;
- \_\_\_\_\_ 21. Existing and proposed location, size and type of water lines, fire hydrants, sanitary sewers, storm sewers, culverts, street improvements and any other utilities and services affected by the site, including dumpster location and type of screening;
- \_\_\_\_\_ 22. Drainage plan (if required by the City Engineer) indicating all existing and proposed drainage locations, size and type, plus drainage calculations that meet the City's requirements must be certified by a registered professional engineer licensed in the State of Arkansas. Storm-water management and grading plans may also be required by the City Engineer (see section 14.36.08);
- \_\_\_\_\_ 23. Parking and traffic control plan indicating the location, dimension and type of vehicle access, handicapped person vehicular and pedestrian access, parking spaces, loading provisions and traffic control devices;  
  
\*\* Multi-family (5 units or more) and commercial developments must include sidewalk plans/details required by ADA.
- \_\_\_\_\_ 24. Sign location and type;
- \_\_\_\_\_ 25. Screening and buffering;
- \_\_\_\_\_ 26. Landscaping plan indicating location, size and type of existing and proposed materials;
- \_\_\_\_\_ 27. Restrictive covenants, grants of easements or other restrictions in a recordable form;
- \_\_\_\_\_ 28. Common open space plan, and proposed amenities;
- \_\_\_\_\_ 29. Lighting plan indicating location, type, direction and intensity measured in foot-candles;
- \_\_\_\_\_ 30. Location and characteristics of any historical structures and sites.

### Conditional Use Permit Checklist

Conditional use permit applications shall provide the following information and format:

- \_\_\_ 1. Name of the development or subdivision;
- \_\_\_ 2. Address and lot number of the property;
- \_\_\_ 3. Location map drawn to a minimum scale of one inch (1") equals one thousand feet (1,000') and including city limits and streets with one-half ( ) mile radius of the site;
- \_\_\_ 4. Name, address and telephone numbers of all owners and the applicant;
- \_\_\_ 5. North arrow;
- \_\_\_ 6. Site Plan drawn to a minimum scale of one inch (1") equals fifty feet (50') and a graphic scale included; (All site plans and other drawings must be submitted in an electronic graphic(.pdf or .jpg ) file to the Planning Office; If no site plan is required, the electronic version is not required). Site plan must include the following information:
  - \_\_\_ a. Name of person preparing the plan
  - \_\_\_ b. Title, name of owner & name of builder
  - \_\_\_ c. North Arrow
  - \_\_\_ d. Property lines, property dimensions, street name(s), site site;
  - \_\_\_ e. Density in terms of dwelling units per acre or intensity in terms of impervious surface ratio and gross floor area of the Conditional Use.
  - \_\_\_ f. Existing and proposed buildings & other structures, yards, rights-of-way, flood plains and wooded areas on the property.
  - \_\_\_ g. Distance from structures to property lines.
- \_\_\_ 7. City, county and state;
- \_\_\_ 8. Date;
- \_\_\_ 9. Existing zoning classification;
- \_\_\_ 10. Acreage and square footage of the site;
- \_\_\_ 11. List of adjoining property owners within 200 ft. of the subject property line

boundaries; adjoining owners must be notified by certified mail or the signed acknowledgement of received hearing notification, 10 days prior to hearing date. Said list must be prepared from the County Assessor's current tax list. (Notification receipts must be copied to the Planning Office)

- \_\_\_ 12. Length of site boundaries measured to the nearest 1/10 foot;
- \_\_\_ 13. Letter of Intent (Explanation of the request and why it should be approved);
- \_\_\_ 14. Parking plan indicating handicap, general parking and/or unloading provisions, and required and proposed parking calculations; if applicable
- \_\_\_ 15. Screening and buffering; if applicable
- \_\_\_ 16. Landscaping & lighting plan indicating location, size and type of existing and/or proposed materials; if applicable
- \_\_\_ 17. Restrictive covenants or other restrictions in a recordable form; if applicable
- \_\_\_ 18. Please note that projects of a commercial nature and new building construction may be subject to full site plan and permitting review requirements upon approval of the Conditional Use Application process.
- \_\_\_ 19. Drainage plan (if required by the City Engineer) indicating all existing and proposed drainage locations, size and type, plus drainage calculations that meet the City's requirements- must be certified by a registered professional engineer licensed in the State of Arkansas. Stormwater management and grading plans may also be required by the City Engineer (see drainage ordinance).

Appendix B

VRD Plan Checklist

Village Residential Developments Plan Application Checklist. The development concept of all land areas encompassed by the preliminary development plan shall be adequately described in scaled drawings and related reports. Applicants shall define the general form and extent of proposed development in sufficient detail to demonstrate compliance with all development and performance requirements. At a minimum, the application shall include the following:

- \_\_\_\_\_ 1. The preliminary development plan shall be prepared by a registered professional architect or engineer licensed to practice in the State of Arkansas and submitted on a suitable medium. The drainage plans (and stormwater and grading plans, if required), and street construction details, specifically, shall be prepared by a professional civil engineer licensed to practice in the State of Arkansas. The preliminary development plan shall bear a legible stamp of the architect or engineer preparing the plan on each page submitted;
- \_\_\_\_\_ 2. Parcel size (acreage and square footage);
- \_\_\_\_\_ 3. Total square footage of building coverage;
- \_\_\_\_\_ 4. Density (number of residential units per net acre);
- \_\_\_\_\_ 5. Total square footage of private open space provided for each residential unit, if applicable;
- \_\_\_\_\_ 6. Total square footage of common open space provided on the total site for the use and benefit of all the occupants, less parking lots, streets and driveways, if applicable;
- \_\_\_\_\_ 7. North arrow and graphic scale;
- \_\_\_\_\_ 8. Proposed public utility layouts (sewers, water, electricity, gas, etc.) showing feasible connections to the existing or proposed public utility systems;
- \_\_\_\_\_ 9. Location of existing and platted property lines, streets, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, wetlands and the zoning classification of the proposed VRD and of the adjacent land;
- \_\_\_\_\_ 10. Contour intervals of two feet (2');

- \_\_\_ 11. The names, right-of-way and surface widths, grades and locations of all proposed streets. The location and dimensions and use of proposed easements; and, location and dimensions of proposed open space;
- \_\_\_ 12. Proposed profile of street grades;
- \_\_\_ 13. Areas within the VRD that are designated to be developed in phases shall be clearly indicated with a date of completion for each phase indicated;
- \_\_\_ 14. Proposed streets shall be designated as public dedicated or private streets;
- \_\_\_ 15. Adequate provisions for drainage of surface water shall be submitted in sufficient detail to provide for a review by the City Engineer. Drainage plans shall provide a description, specifications and drawings prepared by a professional civil engineer licensed to practice in the State of Arkansas. The drainage plan shall indicate adequate provisions to provide drainage for the VRD and for adjacent areas affected by drainage across or from said development. Grading and stormwater plans may also be required (See Stormwater Drainage Regulations);
- \_\_\_ 16. Preliminary development plans shall be submitted in twelve (12) copies at a scale of one inch (1") equals one hundred feet (100');
- \_\_\_ 17. Traffic impact study prepared by a registered professional engineer, if requested by the city planner;
- \_\_\_ 18. Conceptual landscape plan indicating plant materials and location; and
- \_\_\_ 19. VRD developments shall include the following additional information:
  - \_\_\_ Lot design and layout of multi-family;
  - \_\_\_ Typical square footage of each dwelling unit type;
  - \_\_\_ Minimum setbacks;
  - \_\_\_ Floor area ratios of all nonresidential uses;
  - \_\_\_ Location and square footage of all nonresidential uses; and
  - \_\_\_ Height of structures in stories and feet.

Appendix C

VRD Plan Checklist

Final Village Residential Developments Plan Application Checklist-At a minimum, the final development plan shall contain all information required in the preliminary development plan, plus the following and be submitted on a suitable medium;

- \_\_\_ 1. Letter from the applicant requesting a final development plan review;
- \_\_\_ 2. Description of the maintenance provisions of the development, where applicable;
- \_\_\_ 3. Survey of the property;
- \_\_\_ 4. Starting date and dates when various phases are projected to be completed;
- \_\_\_ 5. Indication, in feet, of the interior curb radius for all vehicle turning movements within, into and off the site;
- \_\_\_ 6. Illustration of proposed street improvements to be provided in relation to property lines including additional dedication, if required, and width of curb cuts;
- \_\_\_ 7. Illustration of existing and proposed water supply for fire protection; utility systems including sanitary sewers, water, electric, cable television, gas and telephone; necessary easements for said utilities indicated and evidence of approval from the responsible utility providers. Illustration of existing storm sewers, ditches or waterways; and, dedicated easements for said drainage indicated and approved by the City Engineer as to the adequacy of said easement for maintenance access;
- \_\_\_ 8. Illustration of location of structures, structure dimensions including building height and dimensional distances between structures. Where structures abut a public or private street right-of-way the dimensions from structure foundations to said right-of-way shall be indicated. The dimensional distances between structures shall be measured to the nearest point of the structure; and
- \_\_\_ 9. Detailed landscaping plan showing the spacing, size and specific types of landscaping material for all areas of the VRD that are designated as common usable open space, plus the landscaping requirements.