

PAPER ONE  
JONESBORO 2000 ZONING REGULATION REVIEW  
FEBRUARY, 1977

As part of the Jonesboro 2000 planning program, the East Arkansas Planning and Development District, working with the Zoning Committee and the Jonesboro Metropolitan Planning Commission, will be reviewing and updating both the zoning and subdivision regulations for the city.

This paper, the first of a series, will deal with zoning and will include my thoughts on how the zoning regulation for the City of Jonesboro can be improved, not only in its ability to deal with many types of development occurring in the community, but also to improve the clarity of what can and cannot be done with respect to the use of land in Jonesboro.

The current Jonesboro zoning document is basically deficient in the information that is available to the individual considering some action under the provisions of the regulation. The topical outline for the regulation needs to be considerably expanded and clearly enumerate the many areas of question that arise when trying to apply the zoning provisions to development within the City. A person should be able to take the zoning regulation and have a clear idea from the text exactly what the limits of his actions

are with respect to the use and development of property within the City of Jonesboro. Naturally, the zoning regulation cannot address every question in sufficient detail so that some interpretation would not be necessary; but that is why there is a Zoning Administrator and a Board of Adjustment, so that questions that do arise can be ruled on. However, if the zoning regulation is structured properly, rulings of interpretation should be minimal, as should the frustrations of those administering the regulation. The Zoning Administrator can only do that which is specifically authorized by the regulation, so the more clearly the provisions of the regulation are stated, the more material that is covered, the less time will be spent on the Zoning Administrator's part in seeking interpretations by the Board of Adjustment.

The basic outline for a zoning ordinance should include the following:

- Purpose of the regulation
- Section dealing with plan adoption
- Establishment of zones
- Interpretation of map-annexation
- Section dealing with general interpretations
- Definitions
- Acceptions and encroachments
- Open uses in undeveloped areas

Zoning district regulations

General provisions relating to advertizing posters and  
billboards

Nonconforming uses

Parking and loading

Board of Adjustment

Certificate of occupancy

Amendments

Interpretations, purpose and conflict

Enforcement

Violation and penalty

Severability and validity

Repealer

My initial direction in attempting to help the Zoning Committee and the Planning Commission upgrade the zoning ordinance will be to take what the city already has and incorporate it into a form that resembles the above mentioned outline. In doing this of course, there will be many additions to the zoning regulation that will need to be made; changes within various zoning districts; and changes to certain existing provisions. Most of what the City Council has adopted such as referrals for zoning denials to the City Council and zoning of proposed annexations will be incorporated into the revised regulation.

The existing regulation and the cited amendments, I have decided to use, because of the fact that the present zoning regulation has been long standing in the community, and therefore, the people that deal with the zoning regulation -- real estate people, developers, etc. -- are by and large thoroughly familiar with the provisions of the regulation and the method by which the regulation is administered.

To develop a completely new regulation that does not bear any resemblance to the previous zoning document might create more hardships than benefits when trying to get the new zoning regulation enacted into law. It is often times very difficult to relate a new scheme to an existing plan that people are used to, and hope to obtain public support.

Initially, we will begin the zoning review process with residential districts and work from there to other parts of the zoning regulation. In doing this, the residential classifications of R-1, R-2, and R-3 will be retained, as will the square footage requirements and setback requirements. The examination of these districts will deal more with the purposes and intent the districts were designed to serve, as opposed to getting into the detail of debating at this point in time lot sizes, setbacks, etc.

It is common in zoning to have a variety of different types of zones within major land use categories such as 3 or 4 residential zones, 3 or 4 commercial zones, 2 or 3 industrial zones and so on. The different zoning classifications within general broad categories tries to take into account the different characteristics of various aggregations of land uses within the category such as the different residential zones covering residential. For residential, all zones recognize that the residential areas are places where people make their homes, raise their families, and seek individual and family privacy, regardless of the characteristics particular to different neighborhoods within the community.

The categorical breakdown of residential land uses into different residential zones with different lot sizes and different ranges of permitted uses would be developed to mirror the character of the area to which the zone is applied, the purpose being to establish or maintain neighborhood stability (in terms of the types of uses and densities that are present) and to achieve continuity of development that might take place in undeveloped portions of the neighborhood.

Most of the zoning classifications should have general application throughout the entire city, as well as new areas anticipated to be urbanized. In this way, flexibility is achieved, as well as

development opportunities and choices available to the residents of the community. The underlying factor that needs to be remembered is that regardless of the density, housing types, or other permitted activity; the primary purpose of a residential zone is to provide or maintain a physical environment that is consistent with the development of family life, individual and family privacy, and raising children.

R-1 Residential Zone:

In Jonesboro, the R-1 Residential Zone provides for single families on single lots at moderate to low densities. In the older section of town, this would represent long-time, stable areas that have retained their value and character in such a manner as not to be attractive for the development of other types of residential uses other than single family on single lots.

Because of this, it has been a zone sought after by people who could afford the restrictions that this zone imposed on land use development. You will find that most of the showcase housing in the middle and upper middle income groups in the city are generally located in this most restrictive zoning classification.

R-2 Residential Zone:

The R-2 Residential Zone is a moderate density zone that allows not only single family as does R-1, but also permits the development

of two-family and multi-family structures. The R-2 Zone generally was applied to older areas of the community that had experienced in the past, changes in development character. Some of these areas were no doubt of R-1 character in the past, but over the years, characteristics in these areas changed; the population may have grown older, the income levels decreased, they were not looked on as prime areas for development and valuation did not appreciate as quickly as in other areas. Because of these social-economic factors, housing was converted for boarding space and even used for some type of commercial enterprise that might supplement incomes. The R-2 Zone would take this character change into consideration, not because one or two dwellings had been converted to multiple family use, but rather because the general trend in the neighborhood was for the use of the single-family dwelling for rooming, boarding or apartment purposes.

However, the same R-2 Zone allows for single-family development on moderate size lots. There are developers that use the smaller lot requirement of the R-2 in order to market homes in the moderate to low-moderate price ranges. (In areas where the R-2 is applied, because there is a substantial number of home conversions to multiple family use, multiple family development should be a use by right because it is in keeping with the character the area has assumed over a period of time). In new areas

that develop on the premise of single-family, the intrusion of home conversions from multiple family use or the development of apartments on single lots would certainly be out of character with the single-family on single lot development. This situation, while in one area perpetuates character, in another area creates a potential climate for instability by permitting the arbitrary intrusion of uses not in character with the development taking place.

R-3 Residential Zone:

The R-3 Residential Zone is similar to the R-2 Residential Zone but permitting the development of housing on smaller lot areas (higher density). The densities in the R-3 would be considered on the higher end of the moderate density scale, but in Jonesboro's case, could be considered as high density relative to the densities allowable in other zones.

It should be pointed out that Jonesboro's densities overall would not be considered anywhere near a high range such as 800 or 900 or even 1,000 square feet per family as might be found in major metropolitan cities. Even some of the newer apartment complexes that have been built in Jonesboro on a planned unit development (PUD) concept have a dwelling unit density that is equal to or slightly less than the lot area requirement per family for single family in the R-3 Zone.



The R-3 Zone is applied to certain areas of the city for many of the same reasons that the R-2 is applied, to take into account the character and the platting schemes that have developed within these areas over time.

The transfer of the R-3 Zone to other areas of the city, particularly undeveloped land would present some of the same problems as pointed out in R-2 when single-family subdivisions are developed. Restrictive covenants covering the quality and character of development would serve to protect the area; but since these covenants are for the most part enforceable only through the private sector, the same degree of protection might not be available that would be through mechanisms monitored by the city.

Secondly, the R-3 Zone is generally not looked on as a desirable residential zone because of past associations of R-3 Zone with areas of low socio-economic characteristics. In addition to this, R-3 Zones and other higher density zones are usually associated with high density development and located in the proximity of or adjacent to high intensity land uses such as commercial or industrial development. When R-3 Zones are applied to developing suburban areas of a community, there is some reluctance on the part of people living in more restrictive zones to accept R-3 types of districts because of the association of the zone with what they consider to be undesirable land use elements.

Considerations:

In order to establish a more equal recognition level of all residential zones, I am suggesting the following:

1. In the R-2 and R-3 Zones, permit single-family as a principle permitted use, but only allow multiple family (two or more units, either new construction or conversions) as conditional uses.

This procedure would allow the Board of Adjustment, using certain criteria, to make a decision on each such application for multiple family use in the R-2 and R-3 district, so that in areas where the characteristics are not changing from single-family to multiple family, there would be logical cause for the Board of Adjustment to deny the apartment construction or conversion of existing dwelling unit. In areas of transitional change, the Board would correspondingly have a logical position to take regarding the approval of more multiple family development.

This method would reinforce efforts at providing neighborhood stability, particularly in areas where the question of stability is tenuous at best and it would give the public more of an opportunity to respond to the developments that are taking place around them.

2. The practice of allowing single apartment structures containing four, six or eight families to locate on one lot that normally

would be occupied by a single family dwelling in the R-2 and R-3 areas should be abandoned.

A square footage per family should be established for multiple family development and a minimum zoning lot established which would be the smallest parcel that either a single family or multiple family dwelling could be constructed on. For example, in the R-3 zoning district, it might be that the home conversion to multiple family ratio is three families per lot area, which would amount to about 2,000 square feet per family. This means that a standard for multiple family development (two family or apartments) should be established at 2,000 square feet per family with a minimum lot size not less than 6,000 square feet. An apartment building containing three dwelling units could locate on a 6,000 square foot lot; however, an apartment building containing eight dwelling units would have to be located on a parcel of property at least 16,000 square feet in area.

3. Across all three residential zoning districts provide a planned unit development (PUD) option for multiple family uses at one density level. This could be done as a conditional use provision of each of the three zones and would get away from the practice of having to go through the rezoning process every time a multiple family PUD (such as the Willows or The Place) wanted

to be constructed. Criteria can be developed as part of a planned unit development option which would provide for the reasonable location of these types of developments without adversely affecting the purposes the different residential zones are intended to serve.

Basically, the objection to multi-family development is the higher densities (families per acre) and the increased traffic and other activities that such concentrations generate. By locating a planned unit development properly with adequate ground coverage limitations for principle and accessory buildings, both the traffic problem and the perceived crowding of people in a small area could be substantially avoided. In all likelihood, with the right ground coverage requirements, the planned unit development would blend very nicely into surrounding developments at all three density levels of R-1, R-2 and R-3.

4. A cluster development option should also be considered for single family subdivision. The clustering concept would allow the developer to subdivide property, build homes, and provide the community with open space without sacrificing building sites in order to provide recreation space. This is accomplished by allowing the developer to reduce his lot sizes by 25%, reducing the front yard setback by 10 feet and using the 25% reduction in lot size as common area in the back and sides of lots. Generally,

the lots are clustered along cul-de-sacs or coves off collector streets. The developer would still be maintaining in the R-1 for example, a density of 8,000 square feet of lot area per dwelling unit, the only difference is he would be using part of the platted lots for common space (linear park). A minimum acreage that a developer would have to consider could be set out in the clustering provision so that continuity could be achieved for a given area. It might be that the developer would have to submit a site plan on a minimum of 40 acres showing how the clustering would work and then be allowed to plat and develop small increments of the total approved master plan.

5. The home occupation provisions of the three residential zones should be more closely examined and perhaps modified to achieve greater uniformity across residential zoning districts.

The question is, should home occupations be highly restricted in a residential zone such as R-1 while very liberal in a residential district such as R-3? Even within zones such as the R-3 Zone, home occupations may be a necessity in the older parts of town to help some people supplement incomes, but perhaps in an R-3 single family area in a new developing area of the community home occupations may not necessarily be a necessity to supplement family incomes. Liberal home occupations provisions might allow an

element to intrude into the new R-3 area that would be detrimental to the character of the subdivision. Again, I suppose restrictive covenants could be used to control this situation, but it would be left up to the developer to incorporate home occupation restrictions into the covenants or the responsibility of the planning Commission to instruct the developer to restrict home occupations. This would not be as easy to administer as a standard home occupation provision written into the zoning regulation.

Keep in mind that in looking at zoning we are concerned about land use arrangements, densities and character. And zoning districts should not serve to penalize people because of economic status. Those qualities of life necessary for residential areas to provide individual and family privacy and an acceptable environment to raise a family, are the same regardless of how well off people are. Regulations should not provide for these desirable qualities in one area and deny them or greatly reduce these qualities in other areas because of differences in income, lot sizes, quality of housing, etc.