



Legislation Text

File #: ORD-58:1781, Version: 1

AN ORDINANCE ESTABLISHING ZONE REGULATIONS FOR THE CITY OF JONESBORO, ARKANSAS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND CREATING A BOARD OF ZONING ADJUSTMENT IN ACCORDANCE WITH THE STATUTES OF ARKANSAS GOVERNING CITY PLANNING (**NOTE: THIS ORDINANCE WAS AMENDED BY ORD-58:1765 ON AUGUST 4, 1958; ORD-59:1751 ON APRIL 6, 1959; ORD-72:2463 ON APRIL 17, 1972; ORD-75:2253 ON AUGUST 18, 1975; ORD-82:1841 ON JANUARY 4, 1982; ORD-85:1594 ON DECEMBER 16, 1985; ORD-86:1590 ON JANUARY 20, 1986; ORD-88:1379 ON MARCH 7, 1988**)

BE IT ORDAINED AND ENACTED by the City Council of the City of Jonesboro, State of Arkansas, as follows:

ARTICLE I: GENERAL PROVISIONS.

SECTION 1: TITLE. This ordinance shall be known as the Zoning Ordinance of the City of Jonesboro.

SECTION 2: PURPOSE. This ordinance is designed to encourage the most appropriate use of land throughout the city and to insure a logical growth of the various physical elements of the city; to guide the future development of the city in accordance with a comprehensive plan of land use and population density so that the city may realize its potentialities as a place to live and work. These general goals include among others, the specific purposes set forth in the preamble to the respective district and group districts.

SECTION 3: TERRITORIAL LIMITS. The regulations presented in this ordinance shall apply to all property (land) within the corporate limits of the City of Jonesboro, Arkansas.

SECTION 4: ZONING OF ANNEXED AREAS. Any area annexed to the City after the effective date of this ordinance shall, immediately upon such annexation, be automatically classified as an R-1 Zone unless or until a zoning plan for said area has been adopted by the City Council.

SECTION 5: APPLICATION. These zoning regulations apply to the building of non-building or land uses in existence on the effective date of this ordinance or whenever a district is annexed or amended. It refers specifically to (a) new construction, (b) conforming uses, and (c) non-conforming uses.

(A) New Construction. After the effective date of this ordinance all new construction shall conform, with the use and bulk regulations for the district in which it is to be located.

(B) Conforming Uses. The use or purpose for which any building or other structures of land may be occupied which conforms to the use and regulations herein specified for the district in which it is located may be continued. Any alterations or changes in use to such conforming use shall conform, with the use and bulk regulations herein specified for the district in which it is located.

(C) Non-Conforming Uses. The use of a building or land or both which was lawfully established, but

which does not conform to the use and bulk regulations for the district in which it is located shall be known as a non-conforming use. Such non-conforming used of buildings or land may be continued except as expressly provided herein below:

- (1) Repair and Alteration. Normal maintenance, repair and incidental alteration to building occupies by a non-conforming use is permitted if it does not extend the non-conforming use.
- (2) Change of Use. Any non-conforming use may be changed to any conforming use, or with the approval of the City Planning Commission to any use which they deem to be more in character with the uses permitted in the district in which the said change of use is proposed.
- (3) Cessation of Use. If active and continuous operations are not carried on with respect to non-conforming use during a period of one year, the building or land where such non-conforming use previously existed shall thereafter be occupied and used only for a conforming use.
- (4) Damage or destruction. If a building occupies by a non-conforming use is damaged to the extent of 70 percent or more of its reproduction value exclusive of foundations, such building may not be restored for any non-conforming use without approval of Board of Zoning adjustment.
- (5) Extensions. Non-conforming uses of buildings or of land shall not hereafter be extended outside their lot or building area.
- (6) Use of Non-Conforming Lots. The erection of a one family dwelling in any residential district shall be permitted on any platted lot of record not adjoining another lot under the same ownership at the time of passage of this ordinance, which contains an area or width less than that required for a one family dwelling in the district regulations provided that the yard dimensions and other requirements shall conform to the regulations for the district in which such a lot is located.

ARTICLE II: ESTABLISHMENT OF DISTRICTS.

SECTION 1: THE OFFICIAL ZONING MAP. The City of Jonesboro is hereby divided into zones or districts as shown on the Official Zoning Map which together with all explanatory matter thereon is hereby declared to be a part of the Ordinance and shall be the final authority for current zoning status of lands and buildings in the City of Jonesboro.

The Official Zoning Map shall be filed in the Office of the City Clerk where it shall be available to the public, and if in accordance with the provisions of this ordinance changes shall be made in the district boundaries or any other changes portrayed on the map, such changes shall be made and certified by the City Clerk.

SECTION 2: INTERPRETATION OF DISTRICT BOUNDARIES. When uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply:

- (A) District boundary lines are intended to be along, or parallel to the center line of streets, alleys, railroads, easements, other right-of-way, and creeks, streams, or other water channels.
- (B) District boundary lines are intended to be along or parallel to property lines or the lot lines of platted additions.
- (C) In the absence of specific distances such dimensions shall be determined by the scale of the official map.

(D) When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map the City Planning Commission shall interpret the district boundaries of this ordinance.

SECTION 3: USE AREAS, ZONES OR DISTRICTS. Descriptions of districts and permitted uses therein shall be as designated by color, mark or description on the Official Zoning Map and as described in Article III, District Regulations.

SECTION 4: COMPLIANCE WITH CITY ORDINANCES. Any used in these zones shall comply with the present or hereafter adopted Ordinances of the City of Jonesboro, regulating the location and maintenance of animals, signs, trailers, explosives, inflammable liquids, fire hazards and nuisances and other lawful regulations.

ARTICLE III: DISTRICT REGULATIONS.

SECTION 1: R-1 RESIDENTIAL DISTRICT. This is a district of relatively low density population, where children are members of most families and where there is an absence of all activities of commercial nature including home occupations in order to preserve the characteristics of the district.

(A) Permitted Uses. The following uses shall be permitted in this district:

- (1) Residential Uses. Single family residences only.
- (2) Accessory building Uses. Accessory buildings may be used for the immediate family or domestic servants but may not be used for rental purposes.
- (3) Community Uses. Public parks, playgrounds and open spaces; churches; public schools and utility or governmental facilities.

(B) Exceptions Permitted: The following uses shall be permitted according to the limitations imposed: Plant nurseries, garden and farms, but no sales offices for same and no signs.

(C) Prohibited Uses: The following uses are prohibited.

- (1) All commercial and industrial uses.
- (2) All billboards and advertising displays except as permitted by Section 1-d-9 of this article.
- (3) All multi-family residences including duplexes.
- (4) Home Occupations. No home occupations are permitted, except such as do not require use of special machinery, equipment or goods.
- (5) The raising, selling or keeping, for commercial purposes, of any cattle, swine, fowl or other farm type animals.

(D) Area and Bulk Regulations.

- (1) Height Requirements. There shall be no minimum height requirements in this district.
- (2) Yard Requirements. Minimum yard requirements shall be 30 feet for the front yard and 10 feet for the side yard, measured from the property line, except on corner lots which shall have a 30 foot yard facing each street.
- (3) Lot Requirements. The minimum size lot required in this district shall be 7,200 square feet with a 60 foot lot width and 120 foot lot depth.
- (4) Accessory Building Requirements. Accessory buildings may occupy 10 per cent of the gross lot area, must be built not less than 10 feet from any lot line and except for attached garages, must be built to the rear of the principal building.

- (5) Number of Buildings Allowed. Only one principal building shall be built on any lot.
- (6) Corner Visibility. There shall be no planting, fence or other obstruction to visibility of vehicles from streets closer than 20 feet to the corner of any lot at a street intersection not on parkways within 40 feet each way of the four corners of such intersection.
- (7) Off-street Parking. One parking space shall be required for each dwelling unit. One parking space shall be required for every eight seats within a church's main auditoriums. Parking for public facilities and school shall be adequate for employees and the public.
- (8) Conversion of Houses. No residences shall be converted to more than single-family residences.
- (9) Signs. No signs or advertising displays are permitted except that one sign not exceeding four square feet in area may be erected to advertise the entire premises for sale or rent.

SECTION 2: R-2 RESIDENTIAL DISTRICT. This is a district of relatively low density population, where children are members of most families and where there is an absence of commercial activities but with limited home occupations and limited private and public community uses.

- (A) Permitted Uses. The following uses shall be permitted in this district.
 - (1) Residential Uses. Single-family residences, duplexes and apartment, Multi-family residences or apartments shall be permitted if they comply with all area and bulk requirements and if for every foot of building height over one story or 15 feet ceiling height the side yard requirement of 7-1/2 feet is increased one foot.
 - (2) Home Occupations. Room renting, dress making, music and dance instruction, home offices of type not requiring retail sales or personal services on the premises.
 - (3) Accessory Buildings Uses. Accessory buildings may be used for living quarters for the immediate family, or domestic servants and for any home occupations permitted in this district, but may not be used for rental purposes.
 - (4) Community Uses. Parks, playgrounds, community centers and swimming pools, governmental facilities or utilities, libraries, public schools, child nurseries and kindergartens or churches.
- (B) Exceptions Permitted. The following uses shall be permitted according to the limitations imposed:
 - (1) Agricultural Uses. Plant nurseries, gardens and farms, but with no sales offices and each use must comply with the present of hereafter adopted ordinances of the City of Jonesboro regulating the location and maintenance of animals.
- (C) Prohibited Uses. The following uses are prohibited:
 - (1) All commercial and industrial uses.
 - (2) All billboards and advertising displays except as permitted by Section 2-d-9 of this Article.
 - (3) The raising, selling or keeping, for commercial purposes, of any cattle, swine, fowl of other farm type animals.
- (D) Area and Bulk Regulations.
 - (1) Height Requirement. There shall be no minimum height requirement in this district.
 - (2) Yard Requirements. Minimum yard requirements shall be 25 feet for the front and 7-1/2 feet for the side yard measured from the property line except on corner lots which shall have a 25 foot yard facing each street.
 - (3) Lot Requirements. The minimum lot size for this district shall be 7,200 square feet with a 60 foot lot width and a 120 foot depth.

- (4) Accessory Building Requirements. Accessory buildings may occupy 10 percent of the gross lot area, must be built not less than 7 ½ feet from any lot line, and except for attached garages, must be built to the rear of the principal building.
- (5) Number of Buildings. Only one principal building shall be built on any one lot.
- (6) Corner Visibility. There shall be no planting, fence or other obstruction to visibility of vehicles from streets closer than 20 feet to the corner of any lot at a street intersection nor on parkways within 40 feet each way of the four corners of such intersection.
- (7) Off-Street Parking. One parking space shall be required for each dwelling unit. One parking space shall be required for every eight seats in a church's main auditorium. Parking for public facilities and schools shall be adequate for employees and the public.
- (8) Conversion of Houses. If a residence is converted for more families, each dwelling unit shall have a minimum of 450 square feet of floor area, which shall include entrance and exit space.
- (9) Signs. One sign at place of business not exceeding four square feet in area and if lighted to be only by indirect light shining on the sign or otherwise shielded, shall be permitted.

SECTION 3: R-3 RESIDENTIAL DISTRICT. This is an area devoted mainly to residences but where home occupations including rentals are customary.

(A) Permitted Uses. The following uses are permitted in this district:

- (1) Residential Uses. Single-family, duplexes and apartments.
- (2) Home Occupations. Customary home occupations such as professional offices, dress making, home beauty shop, music instruction, room renting, boarding houses and other which are incidental to or can be conducted within a home or residence shall be permitted if they comply with the requirements under Area and Bulk regulations.
- (3) Accessory Building Uses. Accessory buildings may be used for customary uses, living quarters, or for any home occupation.
- (4) Community Uses. All community uses of a public or private nature which is compatible with the existing residential district.

(B) Exceptions Permitted. The following are permitted if they comply with regulations imposed.

- (1) Multi-family apartments shall be permitted if they comply with all area and bulk requirements and if for every foot of building height over one story or 15 feet the original 7 ½ foot side yard is increased one foot.

(C) Prohibited Uses. The following uses are prohibited:

- (1) All commercial and industrial uses.
- (2) All billboards and advertising displays, except as permitted by Section 3-d-9 of this Article.

(D) Area and Bulk Regulations.

- (1) Height Requirement. There shall be no height restriction in this district.
- (2) Yard requirements. Minimum yard requirements shall be 20 feet for the front yard and 7 ½ feet for the side yard measure from the property line, except on corner lots which shall have a 20 foot yard facing each street.
- (3) Lot Requirements. The minimum size lot required in this district shall be 6,000 square feet with a 50 foot lot width and a 120 foot lot depth.
- (4) Accessory Building Requirements. Accessory buildings may occupy 10 percent of the gross lot area, must be built not less than 7 ½ feet from any lot line and except for attached garages must be built to the rear of the principal building.
- (5) Number of Buildings. Only one principal building shall be built on any lot.
- (6) Corner Visibility. There shall be no planting, fence or other obstruction to visibility of vehicles from streets closer than 20 feet to the corner of any lot at a street intersection or on

- parkways within 40 feet each way of the four corners of such intersection.
- (7) Off-Street Parking. One parking space shall be required for each dwelling unit. One parking space shall be required for every eight seats in a church's main auditorium. Parking for public facilities and schools shall be adequate for employees and the public.
 - (8) Conversion of Houses. If residence is converted for more families, each dwelling unit shall have a minimum of 450 square feet of floor area, which shall include entrance and exit space.
 - (9) Signs. One sign at place of business not exceeding four square feet in area and if lighted to be only by indirect light shining on the sign or otherwise shielded shall be permitted.

SECTION 4: C-1 COMMERCIAL DISTRICT. This is the central business district which provides retailing personal services and office space for local and regional commercial activities. The regulations are designed to permit a concentrated development of permitted facilities.

(A) Permitted Uses. The following uses shall be permitted in this district:

- (1) All or any lawful commercial, retail or wholesale, professional or personal services, except as prohibited below.

(B) Prohibited Uses: The following uses are prohibited from this district:

- (1) Any new residence.
- (2) Any industrial or manufacturing plants.

(C) Exceptions Permitted: The following uses shall be permitted according to the limitations imposed as variance by Board of Zoning Adjustment.

- (1) Any small fabricating or processing establishment, provided that such use is not obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.
- (2) Apartments, hotels and motels.

(D) Area and Bulk Regulations.

- (1) Loading Space: Where an alley exists, one loading space shall be required for each new commercial establishment off the alley.

SECTION 5: C-2 TRANSITIONAL DISTRICT. This district allows for the conversion of older residences into commercial uses as the central business district expands and for construction and use of buildings for permitted purposes subject to area and bulk regulations.

(A) Permitted Uses. The following uses shall be permitted in this district:

- (1) All or any lawful commercial, retail or wholesale sales, professional or personal service.

(B) Prohibited Uses. The following uses are prohibited from this district.

- (1) Any new residences.
- (2) Any industrial or manufacturing plants.

(C) Exceptions Permitted. The following uses shall be permitted according to the limitations imposed as variance by Board of Zoning Adjustment.

- (1) Any small fabricating or processing establishment, provided that such use is not generally obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.
- (2) Apartments, hotels and motels.

(D) Area and Bulk Regulations.

- (1) Loading Spaces. One loading space, not less than 10 by 20 feet and on private property, placed at the rear or alley, and, if no alley exists, then at front or side, of each commercial establishment shall be required.
- (2) OFF STREET PARKING. One off-street parking space shall be required for each 150 square feet of floor area of each establishment. Public or private auditoriums, including

funeral homes, shall be required to provide one off-street parking space for each eight seats in the auditorium.

SECTION 6: C-3 INTERMEDIATE BUSINESS DISTRICT. This is a commercial area located on a major street away from Central Business District providing retailing, professional offices and community services.

(A) Permitted Uses. The following uses shall be permitted in this district.

(1) All or any lawful commercial establishments, such as retail, or professional services.

(B) Exceptions Permitted: The following uses shall be permitted according to the limitations imposed:

(2) Any small fabricating or processing establishment, provided that such use is not generally obnoxious or offensive by reason of the omission of odor, dust, smoke, gas, noise, or vibration.

(C) Prohibited Uses. The following uses are prohibited from this district:

(1) Any new residential uses.

(2) Any commercial uses of an obnoxious nature not in the character with the district, which may omit odor, dust, smoke, gas, noise or vibration or be unsightly in nature.

(D) Area and Bulk Regulations.

(1) Lot Requirements. Minimum lot width for this district shall be 50 feet.

(2) Loading Space. One loading space not less than 10 by 20 feet and on private property to the rear or on the alley, and, if no alley exists, then at front or side, shall be required of each establishment in this district.

(3) Off Street Parking. One off-street parking space shall be required for each 200 square feet of floor area of each establishment. Public or private auditoriums, including funeral homes, shall be required to provide one off-street parking space for each 8 seats in the auditorium.

SECTION 7: I-1 WHOLESALE, DISTRIBUTION AND LIGHT MANUFACTURING ZONE. This is an area close to the central business district with wholesaling and light manufacturing uses.

(A) Permitted Uses. The following uses shall be permitted in this district:

(1) All wholesaling, distribution, warehousing, storage and shipping.

(2) Retail uses which are accessory to the operation of industrial uses and which service the local residential area.

(3) The assembly, processing and packaging of previously prepared materials.

(4) The fabrication of materials.

(5) Additional uses shall be permitted only after showing that same will not interfere with development for such primary purposes, and in accordance with any variance permitted by Board of Zoning Adjustment.

(B) Exceptions Permitted. The following uses shall be permitted according to limitations imposed:

(1) Residences may be permitted if they conform to the R-3 residential regulations for use, area and bulk, and only with or after approval of Board of Zoning Adjustment.

(C) Prohibited Uses. Retail and retail service establishments are prohibited unless approved by Board of Adjustment.

(D) Area and Bulk Regulations.

(1) Lot Requirements. Minimum lot width for this district shall be 50 feet.

(2) Loading Space. The Public right-of-way in the front of each lot shall not be utilized for any loading or unloading obstructing traffic.

(3) Off Street Parking. All new buildings shall provide on off-street parking space for each three employees.

SECTION 8: I-2 GENERAL MANUFACTURING DISTRICT. This is a manufacturing area requiring access by road and railroad with adequate utility services.

- (A) Permitted Uses. The following uses shall be permitted in this district:
 - (1) Manufacturing, storing, wholesaling of any product or performing of any processing of fabrication of materials or agricultural products.
- (B) Prohibited Uses. The following uses shall be prohibited from this district:
 - (1) All residential and all retail or personal service commercial uses except in direct connection with a use permitted in (a).
- (C) Area and Bulk Regulations.
 - (1) Yard Requirements. Yard requirements shall conform to the character of the district immediately surrounding the purposed structure and shall meet with the approval of the Board of Adjustment.
 - (2) Lot Requirements. Minimum lot width for the district shall be 100 feet.
 - (3) Loading Space. At least one loading space shall be required per establishment and no loading or unloading shall utilize the public right-of-way.
 - (4) Off-Street Parking. One off-street parking space for each three employees shall be required, plus parking for any visitors or customers.

ARTICLE IV: CHANGES AND AMENDMENTS

SECTION 1: Duties of the City Council. It is the intent of this ordinance that the duties of the City Council in connection with this ordinance shall be only the duty of considering and passing upon any proposed amendment, any change in the regulations or any change in the boundaries of districts herein established.

The City Council may amend or change by ordinance the regulations and/or boundaries of districts herein established and shall consider any necessary changes or amendments but then shall not be more than three times a year and only in accordance with procedure set out below.

Such proposed changes or amendments may be initiated by the City Council, City Planning Commission or by one or more owners or lessees of property within the area proposed to be changed.

SECTION 2: Procedure for Adoption and Filing Changes and Amendments.

- (A) Notice and Public Hearing. The City Planning commission shall hold a public hearing on such proposed in a newspaper of general circulation in the city, at least one time fifteen (15) days prior to the hearing.
- (B) Adoption by Planning Commission. Following the public hearing, the proposed changes or amendments may be adopted by a majority vote of the entire City Planning Commission as presented or in modified form.
- (C) Recommended to the City Council. Following adoption, the City Planning Commission shall recommend such changes or amendments to the City Council for its adoption.
- (D) Action of City Council. The City Council may return the changes or amendments to the Planning Commission for further study, or by a majority vote of the entire membership shall be ordinance or resolution, adopt the recommended changes or amendments submitted by the City Planning Commission.
- (E) Filing with City Clerk. Following adoption by the City Council, the adopted ordinance shall be filed in the office of the City Clerk, who shall cause the official zoning map to conform by noting changes thereon.

Section 7 (I) - (1)

SECTION 6: Appeal from the Board of Zoning Adjustment. Appeal from the decisions of the Board of Zoning Adjustment shall be to a court of record having jurisdiction.

ARTICLE VI: ENFORCEMENT.

SECTION 1: Administrative Officer. This Ordinance shall be administered by a Zoning Officer who shall be named by the City Council and he is hereby empowered:

- (A) To issue a building permit and certificate of occupancy when compliance is made with these regulations, to refuse to issue the same in the event of non-compliance, and to give written notice of such refusal and reason thereof to the applicant.
- (B) To collect the designated fees as set forth in this ordinance.
- (C) To make and to keep all records necessary and appropriate to the office, including record of the issuance and denial of all building permits and certificates of occupancy and of receipt of complaint of violation of this ordinance and action taken on the same, and to file such record in the office of the City Clerk.
- (D) To inspect any building or land to determine whether any violations of this ordinance have been committed or exist.
- (E) To enforce this ordinance and take necessary steps to remedy any condition found in violation.
- (F) To keep the Board of Zoning Adjustment advised of all matters other than routine duties pertaining to the enforcement of this ordinance of all applications for appeals or variances.

SECTION 2: Building Permit Required. It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until the Zoning Officer has issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance and other applicable building laws, ordinances, or regulations. Every building permit shall expire by limitation at the end of 18 months from the date of issue unless work is in progress.

SECTION 3: Building Permit Fee. Every application for a building permit shall be accompanied by payment of a fee as may be established by the City Council.

SECTION 4: Building Permit Application. Each application for a Building Permit shall be accompanied by a set of plans and specifications in duplicate, drawn to scale, showing:

- (A) The actual dimensions of the lot to be built upon.
- (B) The exact size and location of all buildings existing on the lot.
- (C) The proposed new construction.
- (D) The existing and intended use of all parts of the land or buildings.
- (E) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Officer.
- (F) The cost of the proposed construction as evidenced by an executed contract between the Owner and Contractor for such construction or by an estimate of cost prepared and verified by signature of a licensed Architect, Engineer or Contractor.

SECTION 5: Certificate of Occupancy and Compliance. It shall be unlawful to use or permit the use of any structure or premises hereafter altered extended or erected, until the Zoning Officer shall have made an inspection of the premises and shall have approved the same for occupancy. The Certificate of Occupancy and

Compliance shall be applied for coincident with application for a building permit.

ARTICLE VII: LEGAL PROVISIONS

SECTION 1: Separability. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 2: Conflicting Provisions. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 3: Effective Date. This Ordinance shall be in force from and after its passage, approval, publication (by reference), and recording according to law.

PASSED and ADOPTED this 21st day of April, 1958.