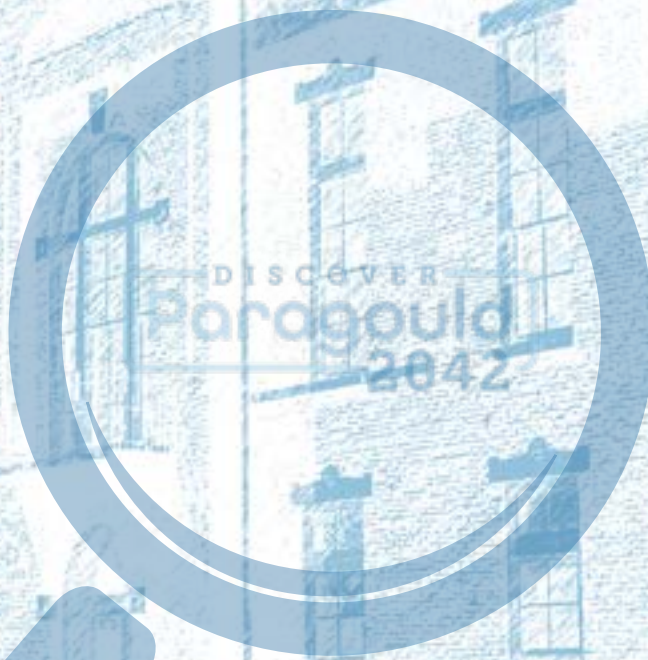


CITY OF PARAGOULD ZONING CODE



**3.26.26 as
Amended**

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ARTICLE

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ARTICLE 1 - INTRODUCTORY PROVISIONS

1.1 TITLE.

This ordinance shall be known and may be cited as the "Paragould Zoning Code".

1.2 AUTHORITY.

This Ordinance is hereby adopted in accordance with the following:

- a) Act 186 of 1957, as amended by Act 128 of 1959, Act 36 of 1963, Act 134 of 1965, Act 138 of 1965, Act 66 of 1967, and Act 379 of 1969, of the General Assembly of the State of Arkansas, which empowers the city to engage in municipal planning, to adopt plans and ordinances to regulate land-use and development practices, and to provide for the administration, enforcement, and amendment thereof.
- b) The goals and objectives of Discover Paragould 2042 Comprehensive Plan.
- c) Consideration for the character of Paragould, its various parts, and the peculiar suitability of the various parts for particular uses.
- d) A view to conserving the value of land and buildings and the sense of community existing within the city, and encouraging the most appropriate use of land throughout the City of Paragould.

1.3 PURPOSE.

The zoning regulations set forth herein are enacted to implement the land use portion of the land development plan and the transportation elements of the master street plan for the City of Paragould and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, to ensure the coordinated, adjusted, and harmonious development and general welfare of the citizens of Paragould, Arkansas, and to provide 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.

The City Planning Commission of Paragould, Arkansas, having made a comprehensive study of present conditions and of the probable future growth of the city and its neighboring territory and having prepared and adopted a land development plan, finds that these regulations carry out the intent of the land development plan and promote, in accordance with present and future needs, the public safety, order, convenience, efficiency, and economy; allow for convenience in population distribution, good civic design, and arrangement; and ensure adequate provisions for public utilities and other public improvements.

1.4 ADMINISTRATION.

The principal functions of each of the entities authorized to administer this ordinance are as follows:

- a) The Board of Zoning Adjustment is authorized, in accordance with the provisions of this chapter, to hear appeals from the decision of the administrative officers in respect to the enforcement and application of said ordinance; and may affirm or reverse, in whole or in part, said decision of the administrative officer. In addition, literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The board of zoning adjustment may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
- b) The Planning Commission is authorized pursuant to the provisions of Act 186 of the Arkansas Acts of 1957, as amended, to secure the benefits to the public of a coordinated, adjusted and harmonious development of the City of Paragould, to promote the health, safety, morals, order,

convenience, prosperity and general welfare of the citizens thereof and shall make recommendations on planning issues and report to the mayor and city council concerning the operation of the commission and status of planning within its jurisdiction.

1.5 NATURE AND APPLICATION.

For the purposes herein before stated, the city has been divided into zone districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space, parking requirements, and the uses of land, buildings, and structures. In interpreting and applying the provisions of this zoning ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the sections contained herein relating to any or all districts.

No proposed plat of any new subdivision of land shall hereafter be considered for approval by the city planning commission unless the lots within such plat equal or exceed the minimum size and area regulations specified in the applicable zoning district of the ordinance.

1.6 CONFORMITY REQUIRED.

1.6.1 Issuance of Permits, Certificates, and Licenses.

- a) No building or other permit, certificate or other document of approval or license, the use of which may be subject to the provisions of this ordinance, shall be issued by any department, agency, or board of the municipality until the Planning Director has certified that the use to be made of the permit,

certificate, or other document or license, is in compliance with the provisions of this ordinance.

- b) No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Planning Director.
- c) No building permit shall be issued by the Planning Director except in conformity with the provisions of this ordinance unless they receive a written order from the Planning Commission or approved by the City Council, in the form of an administrative review, conditional use, or variance, as approved according to this ordinance.

1.7 INTERPRETATION.

The provisions of this ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its sources.

1.8 SEVERABILITY.

If any section, paragraph, subdivision, clause, phrase, or provision of these regulations shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1.9 CONFLICTING PROVISIONS REPEALED.

All ordinances and part of ordinances in conflict herewith are hereby repealed.

1.10 ENACTMENT AND EFFECTIVE DATE.

- 1.10.1 This ordinance shall become effective in accordance with the laws of the State of Arkansas.
- 1.10.2 This ordinance is enacted by legislation adopted [DATE] by the Paragould City Council.

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ARTICLE 2 - GENERAL AND UNIVERSAL PROVISIONS

2.1 PURPOSE.

This article sets forth the general rules and universal provisions that generally apply throughout all districts.

2.2 ANNEXATIONS AND ANNEXED AREA.

Territory annexed after adoption of these regulations shall be governed by the following rules and regulations until the zoning map has been amended by ordinance to include the newly annexed territory.

2.2.1 **Zoning of annexed areas.** All newly annexed areas shall be zoned AG, agricultural zone.

2.2.2 Application may then be made to the planning commission for rezoning as set out in the appropriate sections of of this code.

2.3 COMPLETION.

2.3.1 **Building under construction.** Nothing herein contained shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these regulations.

2.3.2 **Same permit.** Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued prior to the adoption of these regulations, provided construction is started on said building within 120 days after adoption of these regulations.

2.4 LIMIT OF ONE PRINCIPAL USE.

No more than one principal use shall be permitted on a lot, unless specifically permitted by this ordinance.

2.5 PRINCIPAL BUILDINGS.

2.5.1 **Street Frontage Required.** Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet minimum standards set forth in the subdivision regulations for the

City of Paragould.

2.5.2 **Two or More Buildings On a Lot.**

- a) Where two or more principal buildings occupy a lot, the same shall conform to the following:
 - i. The requirements of this ordinance which would apply to each building if each were on a separate lot; and
 - ii. The standards and improvements required for land development by the Subdivision Regulations.

2.6 EXCEPTIONS TO HEIGHT LIMITATIONS.

2.6.1 **In General.** The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article 3 related to height.

- a) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the district limitations for height. However, should the height be in excess of 50 percent of the specific district limitations, a conditional use shall be required.
- b) Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required are increased one foot for each two feet the structure exceeds the prescribed limit.

2.7 SPECIAL LOT AND YARD REQUIREMENTS.

2.7.1 The lot or yard areas required by these regulations for a particular building or use, existing at the time of passage of these regulations or later constructed or established, shall not be reduced.

2.7.2 **Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

- a) **Nonconforming Lots.** See Section 2.8.
- b) **Through Lots.** Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots. The presence of an alley

shall not constitute a through lot.

- c) **Corner Lots.** Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots, but shall not be less than ten feet.
- d) **Front Yard Depth Reduction.** The front yard of a lot between two lots each having a principal building within 20 feet of the lot may be reduced to a depth equal to that of the greater of the two adjoining lots, except that the front yard shall not be less than ten feet (See Figure 2.1).
- e) **Projections into Yards.**
 - i. No projection into required yard areas permitted in sections ii. and iii. below, except for patios, in a Low Density Residential District or Medium Density Residential District shall be less than 10 feet from any side or rear lot line or 15 feet from any front lot line.
 - ii. Bay windows, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than two feet.
 - iii. Patios may be located in the required side and rear yards not closer than three feet to any adjacent property line.

2.8 TRAFFIC VISIBILITY AT INTERSECTIONS.

- 2.8.1 **Foliage higher than six feet not affected.** This provision shall not apply to trees whose foliage is above but not below a line of sight six feet above the crown of the street.
- 2.8.2 **City May Remove Obstructions and Bill Owner.** The city may remove, 30 days after notification, any obstruction to vision by hedge, tree, shrub, or other growth. The costs of such actions shall be paid by the owner of the subject property. If payment is not made within the 30 day notification period the city may place a tax lien on the property in accordance with the state statutes. Costs of legal and administrative

efforts shall be included in said lien.

2.8.3 Sightlines at Intersections of Streets.

- i. A triangular area as defined illustrated in Figure 2.2. shall be free of sight obstructions so that vision between a height from two to ten feet above the centerline grades of the intersecting streets is not obscured.
- ii. Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting streets within the triangular area defined herein.
- iii. Such triangular area shall be bound at street intersections as measured along the back of curb on both streets for a distance of 50 feet from the point of intersection. In the absence of curb, the triangular area shall be measured 50 feet from intersection of the projection line of the edge of pavement.

2.8.4 Sightlines at Intersections of Driveways or Access ways with Streets.

- i. A triangular area as illustrated in Figure 2.3 shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets is not obscured.
- ii. Vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets.
- iii. Such triangular area shall be bound by the intersecting driveway, access way, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of 25 feet from the point of intersection of the curb lines. In the absence of curb, the triangular area shall be measured 25 feet from intersection of the projection line of the edge of pavement.

2.8.5 Buffer Yards.

- a) **Scope.** Any non-residential use which borders any property zoned or used for

residential purposes shall provide buffer yards which comply with the standards of the section.

b) Size, Location.

- i. A 15 foot buffer yard shall be required, unless otherwise indicated in this Ordinance. A 25 foot buffer yard shall be required when any non-residential use borders any property zoned as R-12, R-10, or R-8. Additionally, the Planning Commission may require additional buffer area upon the determination that the proposed non-residential use will generate noise, light, glare, dust, odor, appearance, or other noxious characteristics which warrant additional separation or screening techniques.
- ii. The required buffer yard width may be reduced up to 50% when a fence is provided which meets the following standards. The fence shall be:
 - a. At least five feet tall,
 - b. At least 75% opaque,
 - c. Along the full length of property which would be subject to the buffer yard requirement,
 - d. Inside the buffer yard, closest to the non-residential use, and
 - e. In compliance with Section 5.8 of these regulations.
- iii. The buffer yard shall be measured from the property line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall

not be within an existing or future street right-of-way and shall be in addition to that right-of-way.

- iv. The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirements shall apply in case of conflict.

c) Characteristics.

- i. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- ii. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than 12 inches in height, or weeds.

d) Planting Screen.

- i. Each buffer yard shall include a planting screen of trees, shrubs, and other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
- ii. Each planting screen shall be in accordance with the following requirements:
 - a. Plant materials used in the Planting Screen shall be of such species and size as will produce, within two years, a complete year-round visual screen of at least eight feet in height.
 - b. The Planting Screen shall be

Figure 2.1 - Front yard depth reduction



permanently maintained by the landowner and any plant material which does not live shall be replaced within one year.

- c. The Planting Screen shall be so placed that at maturity it will be at least three feet from any street or property line.
- d. The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 2.7.5.
- iii. In circumstances where it is impractical for a planting screen to meet all the requirements of this Section or would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements. Planning Commission review shall be in accordance with Section 9.9 of this Ordinance.
- e) **Plans.**
 - i. Prior to the issuance of any Zoning approval, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:
 - a. The location and arrangement of each buffer yard,
 - b. The placement, species, and size

of all plant materials, and

- c. The placement, size, materials and type of all fences to be placed in such buffer yard.
- ii. Such plans shall be reviewed by the Director of Planning and Development to ascertain that the plans are in conformance with the terms of this ordinance.

2.9 NONCONFORMING BUILDINGS, STRUCTURES, LOTS, AND USES OF LAND.

2.9.1 Nonconforming Buildings and Structures. A nonconforming building or structure and/or land use existing at the time of adoption of these regulations may be continued and maintained except as otherwise provided in this Section.

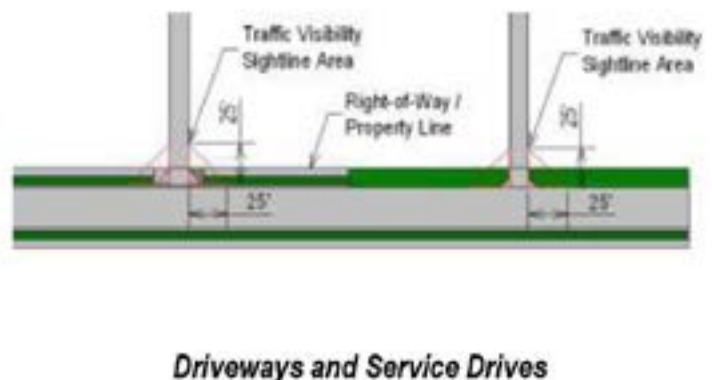
2.9.2 Alteration or Enlargement and Repair of Buildings and Structures.

- i. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located and no additional structures not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming uses of land.

Figure 2.2 - Sight Lines at Intersections



Figure 2.3 - Sight Lines at Intersections



- ii. Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.
- iii. Any repairs of damage or destruction sustained by a nonconforming use shall return the structure to no less than the true value as determined by the County Tax Assessor which existed prior to the damage or destruction.

a) **Building or Land Vacancy.**

- i. Nonconforming building, structure, dwelling, or land use, or portion thereof, existing at the time of adoption of these regulations which is or hereafter becomes vacant for any reason, for a period in excess of 6 months shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

b) **Change In Use.**

- i. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.
- ii. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- iii. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Planning Commission after the applicant has shown that the proposed change will be less objectionable in external effects than the existing nonconforming use with regard to:
 - a. Traffic generation and congestion (including truck, passenger car, bicycle, and pedestrian traffic),
 - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration,
 - c. Storage and waste disposal, and
 - d. Appearance.

2.9.3 Nonconforming Lots of Record.

- a) A building may be constructed on a

nonconforming lot, provided the yard requirements of this Ordinance are observed.

- b) Contiguous nonconforming lots under common ownership shall be considered one lot.

2.9.4 Restoration. Should a nonconforming structure be destroyed or damaged by fire, wind, water or other natural disaster, said use may be reestablished if reconstruction or restoration is begun within six months of damage or destruction.

2.9.5 Ownership. Whenever a nonconforming structure or lot is sold to a new owner, such sale shall have no effect on the nonconforming status of the structure or lot. A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner.

2.9.6 District Changes. Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.

2.9.7 Repairs and Maintenance. Ordinary repairs and replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed, provided that the nonconforming structure shall not be increased in size.

2.9.8 Uses Requiring Planning Commission Review and Conditional Use

Procedures. Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be required to have Planning Commission review pursuant to this ordinance or would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions. However, any alteration to the site, building, nature of the operations, or any other aspect of the use shall require a Planning Commission Review or conditional use, whichever the case may be.

2.10 TEMPORARY STRUCTURE OR USE.

- 2.10.1** A temporary permit may be issued by the Director of Planning and Development

for structures or uses necessary during construction or other seasonal or special circumstances of a nonrecurring nature subject to the following additional provisions:

- a) The life of such permit shall not exceed 1 year and may be renewed for an aggregate period of not more than 2 years.
- b) Such structure or use shall be removed completely upon expiration of the permit.
- c) The Director of Planning and Development shall not issue a temporary permit for any use or activity which is otherwise prohibited within the City.

2.10.2 Temporary permits may be issued for outdoor sale of goods not associated with farm produce, firewood, or seafood only after review and approval by the Planning Commission provided:

- a) Written concurrence from the property owner(s) is obtained.
- b) Sale periods are limited to conditions established by the Planning Commission.
- c) Suitable safety precautions are taken in accordance with conditions approved by the Director of Planning and Development to insure that human health and welfare are not jeopardized.

2.10.3 The Director of Planning may at their discretion elect to take any request for temporary permits before the Planning Commission for review and action.

2.11 MEASUREMENTS GENERALLY.

2.11.1 Setbacks. Setbacks shall be measured horizontally from the property line to the nearest point of the building foundation or structural support. For irregular lots, front setbacks shall be measured perpendicular to the front lot line. Architectural features including eaves, cornices, and bay windows may project up to 24 inches into required setbacks.

2.11.2 Height. Building height shall be measured from the average finished grade along the building's perimeter to: (a) the highest point of a flat roof; (b) the deck line of a mansard roof; or (c) the mean height level between the eaves and ridge of a gable, hip, or

gambrel roof.

2.11.3 Build-to Line. The build-to line shall be measured parallel to and at the specified distance from the property line or right-of-way line. A minimum of 70% of the building's primary facade must be located on or within 2 feet behind the build-to line. Entry features and architectural elements may project up to 4 feet beyond the build-to line.

2.11.4 Lot Area. Lot area shall be measured within the lot lines, excluding any portion within existing or proposed public rights-of-way, access easements, or private streets. For purposes of calculating minimum lot area, land below the mean high water mark, wetlands, and floodways shall not be included.

ARTICLE 3

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ARTICLE 3 - ZONING DISTRICTS

3.1 DISTRICTS ESTABLISHED.

- 3.1.1** For the purpose of this Ordinance, zoning districts are hereby established as illustrated in Table 3.1, Paragould Zoning Districts.
- 3.1.2** For the purposes of this Ordinance, the zoning districts named in this Article shall be of the number, size, shape, and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

3.2 ZONING MAP.

- 3.2.1** A map entitled, "Official Zoning Map of the City of Paragould, Arkansas" accompanies this Ordinance and is declared a part of this Ordinance.
- 3.2.2** The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the adoption date of this Ordinance and the seal of the City of Paragould under the following words: "This is to certify that this is the Official Zoning Map adopted [DATE], as part of the City of Paragould Zoning Ordinance."
- 3.2.3** Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- 3.2.4** 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 shall be located in the Paragould City Hall and shall be the final authority on boundaries and districts.
- 3.2.5** Replacement of Official Zoning Map.
- If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
 - The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.

- The new Official Zoning Map shall be identified by the signatures of the Mayor, attested by the City Clerk, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Paragould Zoning Ordinance."
- Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

3.3 APPLICATION OF DISTRICT REGULATIONS.

- 3.3.1** Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- 3.3.2** The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- 3.3.3** No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- 3.3.4** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 3.3.5** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

3.4 RULES FOR INTERPRETING DISTRICT BOUNDARIES.

Table 3.1, Paragould Zoning Districts			
District		Corresponding Placetype from Discover Paragould 2042	Previous Nearest Equivalent Zoning District
AG	Agricultural and Rural Lands	Agricultural and Rural Lands Natural Areas, Parks, and Open Space	AG
Residential Neighborhood Districts			
RE	Estate Residential - Very Low Density Single-Unit Residential	Estate Neighborhoods	RE
R-12	Single-Unit Low Density Residential	Suburban and Established Neighborhoods	R-1
R-10	Single-Unit Low Density Residential	Suburban and Established Neighborhoods	R-1
R-8	Single-Unit Low Density Residential	Suburban and Established Neighborhoods	R-2
MR -1	Mixed-Residential 1 (Infill Oriented)	Mixed Residential Neighborhoods	R-2, R-3
MR-2	Mixed Residential 2 (Greenfield Oriented)	Mixed Residential Neighborhoods	R-3 and R-4
Commercially Dominated Districts			
HC	Highway Corridor	Highway Corridor	C-3
CC	Connection Corridor	Connecting Corridor	C-1, OP
NC	Neighborhood Center	Neighborhood Center	C-2, OP
OP	Office Professional	Neighborhood Center	OP, C-1
DTC	Downtown Core	Downtown Core	CBD
Master Planned and Overlay Districts			
TND	Traditional Neighborhood	Traditional Neighborhood	None
PUD	Planned Unit Development	Eligible in all placetypes	PUD
FLO	Flood Overlay Zone	Overlays multiple placetypes	Flood
Employment Based Districts			
M-1	Heavy Industrial	Technology and Industry	M-1
M-2	Light Industrial	Technology and Industry	M-2

- 3.4.1** Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- 3.4.2** Boundaries approximately following property lines shall be construed as following such property lines.
- 3.4.3** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- 3.4.4** Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 4.4.1 through 4.4.3 above, the Planning Commission shall interpret the district boundaries.
- 3.4.5** Where any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.
- 3.4.6** Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the City may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

3.5 COMPLIANCE WITH CITY ORDINANCES.

Any uses in these zones shall comply with present or future legally adopted ordinances of the City of Paragould, regulating the location and maintenance of streets, sidewalks, drainage structures, control of animals, signs, mobile homes, use, transportation and storage of explosives, inflammable liquids, environmental hazards; and nuisances.

3.6 APPLICATION OF ZONING DISTRICT REGULATIONS.

- a)** The bulk and area regulations pertaining to each zoning district shall be applied uniformly within the zoning district except as may be varied by the Board of Zoning

Adjustment (BZA).

- b)** No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.
- c)** No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structure altered in such a manner as to place it over any sewer or drainage system.

3.6.4 Agricultural AG – Agricultural District.

The district is intended to implement the Agricultural and Rural Lands and Natural Areas, Parks, and Open Space Place-types set out in Discover Paragould 2042 Comprehensive Plan. The district is to recognize and promote the character of these areas in Paragould as agricultural districts, intended for agricultural use with accompanying single-family residences. These areas also include natural areas, parks and open spaces. They may also be used as a “holding zone” for large undeveloped tracts of land that have not yet developed an urban character.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	1 acre
Minimum Lot Frontage	80'
Lot width at the building line	100'
Front Yard (min/max)	50'/none
Side Yard	10'
Rear Yard	20'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	1 Dwellings/Acre
Lot Coverage	None
Floor Area Ratio	None
Maximum Structure Height ²	35'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Image of typical development configuration

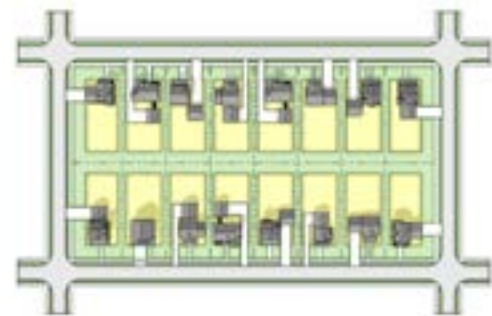


Perspective view of typical development configuration

3.6.5 Residential Estate RE – Low Density Single-Family District.

The district is intended to implement the Estate Residential Placetype set out in Discover Paragould 2042 Comprehensive Plan. The district is to recognize and promote the character of these areas in Paragould as very low density semi-rural single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	30,000 (sf)
Minimum Lot Frontage	70'
Lot width at the building line	80'
Front Yard (min/max)	40'/none
Side Yard	10'
Rear Yard	15'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	.75 Dwellings/Acre
Lot Coverage	0.45
Floor Area Ratio	None
Maximum Structure Height ²	35'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Plan view illustration of typical development configuration

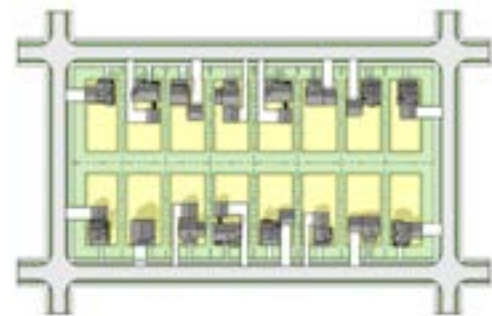


Perspective view of typical development configuration

3.6.6 Residential R-12 – Low Density Single-Family District.

The district is intended to implement the First Paragould and Suburban Neighborhood Placetypes set out in Discover Paragould 2042 Comprehensive Plan. The district is to recognize and promote the character of these areas in Paragould as low density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	12,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	80'
Front Yard (min/max)	25'/none
Side Yard	10'
Side yard at street	30'
Rear Yard	20'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	3.5 Dwellings/Acre
Lot Coverage	0.5
Maximum Lot Coverage	0.4
Floor Area Ratio	n/a
Maximum Structure Height ²	36'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.7 Residential R-10 – Low Density Single-Family District.

The district is intended to implement the First Paragould and Suburban Neighborhood Placetypes set out in Discover Paragould 2042 Comprehensive Plan. The district is to recognize and promote the character of these areas in Paragould as low density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	10,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	70'
Front Yard (min/max)	25'/none
Side Yard	10'
Side yard at street	20'
Rear Yard	15'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	4 Dwellings/Acre
Maximum Lot Coverage	0.5
Lot Coverage	0.45
Floor Area Ratio	n/a
Maximum Structure Height ²	36'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.8 Residential R-8 – Medium Density Dwelling District.

The district is intended to implement the First Paragould and Suburban Neighborhood Placetypes set out in Discover Paragould 2042 Comprehensive Plan. The district is to recognize and promote the character of these areas in Paragould as medium density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	8,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	50'
Front Yard (min/max)	20'/none
Side Yard	5'
Side yard at street	15'
Rear Yard	10'
2. Use and Intensity	
Permitted Land Use	See Article 4, Table 4.1, Use Matrix
Residential Intensity	5.4 Dwellings/Acre
Lot Coverage	0.6
Floor Area Ratio	n/a
Maximum Structure Height ²	36'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.9 Mixed Residential 1 – Mixed Residential Dwelling District (Infill Oriented).

The district is intended to implement the Mixed Residential Placetype set out in Discover Paragould 2042 Comprehensive Plan, accommodating single units and duplexes. The district recognizes and promote the redevelopment of Paragould's oldest neighborhoods through compatible infill development.

1. Lot Standards and Buildable Area ¹				
Minimum Lot Size		Single Unit and Duplex	5,000 (sf)	
		Attached Town-house	5,000 (sf) first 2 units, 1,800 each added unit	
		All other uses	10,000 (sf)	
Minimum Lot Frontage		Single Unit and Duplex	50’	
		Townhome	18'	
		All other uses	80'	
Lot width at the building line		Single Unit and Duplex	40’	
		Townhome	14’	
		All other uses	60’	
Yards	Unit Type	Front	Side/ Street Side	Rear
	Single unit and duplex	15’	5’/15'	15’
	Townhome	15’	0', 10’ ³	15’
	All other uses	25'	10’	20'
2. Use and Intensity				
Permitted Land Use			See Article 4, Table 4.1, Use Matrix	
Residential Intensity			8.7 Dwellings/Acre	
Lot Coverage			0.6	
Floor Area Ratio			None	
Maximum Structure Height ²			45’	
Minimum Dwelling Size			n/a	
3. Site Specific Design Standards				
Mobility and Parking Standards			See Article 6	
4. Review and Approval Processes				
Subdivision Standards			See Subdivision Regulations	
Design Standards			See Article 5	
5. District Exceptions and Notes				
¹ See methods for dimensional measurements				
² See exceptions to height limitations				
³ 10' for interior side yard				



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.10 Mixed Residential 2 – Multi-Family High Density Dwelling District.

The district is intended to implement the Mixed Residential Placetype set out in Discover Paragould 2042 Comprehensive Plan, accommodating single units and duplexes. The district accommodates the development of new higher density housing and neighborhoods generally in the context of newly developing or areas.

1. Lot Standards and Buildable Area ¹				
Minimum Lot Size		Single Unit and Duplex	3,750 (sf)	
		Attached Town-house	3,700(sf) first 2 units, 1,800 each added unit	
		Multi-family	9,600(sf) for up to three units; 800 each added unit	
		All other uses	10,000 (sf)	
Minimum Lot Frontage			40’	
Lot width at the building line		Detached	50’	
		Townhome	14’	
		Two-family	60’	
		Multi-family	80’	
Yards	Unit Type	Front	Side/ Street Side	Rear
	Detached	20’	5’	20’
	Zero-lot or Townhome		0, 10’ ³	
	All other uses		10’	
2. Use and Intensity				
Permitted Land Use			See Article 4, Table 4.1, Use Matrix	
Residential Intensity	SF and Two-family		8.5 Dwellings/Acre	
	Multi-family		18 Dwelling/Acre	
Lot Coverage	SF Detached, duplex, townhome		0.60	
	Multi-family		0.60	
	All Others		0.60	
Floor Area Ratio			n/a	
Maximum Structure Height ^{2,3}			60’	
Minimum Dwelling Size			n/a	
3. Site Specific Design Standards				
Mobility and Parking Standards			See Article 6	
4. Review and Approval Processes				
Subdivision Standards			See Subdivision Regulations	
Design Standards			See Article 5	
5. District Exceptions and Notes				
¹ See methods for dimensional measurements				
² See exceptions to height limitations				
³ 10' for interior side yard				



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

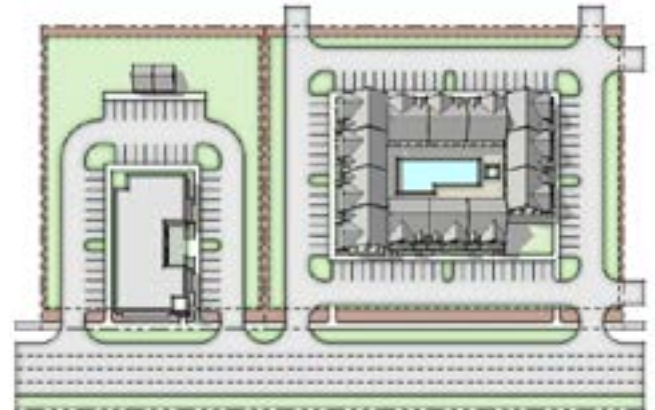
3.6.11 OP Office-Professional.

The district is intended to implement the office component of the Neighborhood Center placetype set out in Discover Paragould 2042 Comprehensive Plan. The district is designed to provide for uses that provide for specialized office and professional occupations and services. These may occur in context of new developments or selected conversions of existing buildings and sites. Volumes and serve both the residents of the Paragould community and those within the region.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	none
Minimum Lot Frontage	20'
Lot width at the building line	20'
Front Yard (min/max)	0'/10'
Side Yard	0'
Side yard at street	0'
Rear Yard	0'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	n/a
Lot Coverage	0.9
Floor Area Ratio	4
Maximum Structure Height ²	50'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.12 HC Highway Corridor Commercial District.

The district is intended to implement the Highway Corridor Placetype set out in Discover Paragould 2042 Comprehensive Plan. The district is designed to provide for the retail and personal service needs at a community level scale as well as those traveling to and through Paragould.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	none
Minimum Lot Frontage	30'
Lot width at the building line	50'
Front Yard (min/max)	30'/100'
Side Yard	10' or 0' when sites are simultaneously developed facade is continuous
Side yard at street	10'
Rear Yard	15'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	n/a
Lot Coverage	0.8
Floor Area Ratio	.5
Maximum Structure Height ^{2, 3}	48'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.13 CC Connecting Corridor Commercial District.

The district is intended to implement the Suburban Centers, Suburban Redevelopment, and Resort Waterfront placetypes set out in Discover Paragould 2042 Comprehensive Plan. The district is designed to provide for land uses that require higher traffic volumes and serve both the residents of the Paragould community and those within the region.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	none
Minimum Lot Frontage	30'
Lot width at the building line	40'
Front Yard (min/max)	20'/50'
Side Yard	5' or 0' when sites are simultaneously developed and facade is continuous
Side yard at street	10'
Rear Yard	15'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	n/a
Lot Coverage	0.9
Floor Area Ratio	3
Maximum Structure Height ²	48'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.14 NC Neighborhood Commercial District.

The district is intended to implement the Neighborhood Commercial placetype set out in Discover Paragould 2042 Comprehensive Plan. The district is designed to provide for uses retail and personal-service enterprises meeting the household needs and convenience of nearby neighborhoods.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	20,000 (sf)
Minimum Lot Frontage	30'
Lot width at the building line	50'
Front Yard (min/max)	25'/40
Side Yard	12' or 0' when sites are simultaneously developed and facade is continuous
Side yard at street	15'
Rear Yard	15'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	n/a
Lot Coverage	0.7
Floor Area Ratio	0.8
Maximum Structure Height ²	50'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.15 DC Downtown Core.

The district is intended to implement the Downtown Core placetype set out in Discover Paragould 2042 Comprehensive Plan. The district is designed to provide for land uses that require higher traffic volumes and serve both the residents of the Paragould community and those within the region.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	none
Minimum Lot Frontage	20'
Lot width at the building line	20'
Front Yard (min/max)	0'/10'
Side Yard	0'
Side yard at street	0'
Rear Yard	0'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	n/a
Lot Coverage	100
Floor Area Ratio	4
Maximum Structure Height ²	50'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image development type



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.16 Traditional Neighborhood District (TND).

The Traditional Neighborhood District is intended to implement the Traditional Neighborhood placetype in Discover Paragould 2042 Comprehensive Plan. Traditional neighborhoods feature mixed-use design, including parks, schools or other public facilities. Neighborhoods should be walkable with important features within a 20-minute walk. They are pedestrian friendly and accessible for all modes of transportation. Buildings are built close to the street at a human scale, with abundant transparency on the ground floor of buildings. A wide variety of housing types are provided, both in size and affordability, and active public open space for recreation and community activities is prioritized.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	See Table 3.1
Minimum Lot Frontage	See Table 3.2
Lot width at the building line	
Front Yard (min/max)	
Side Yard	
Side yard at street	
Rear Yard	
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	According to Layout
Lot Coverage	0.75
Floor Area Ratio	None
Maximum Structure Height ²	See Table 3.1
3. Site Specific Design Standards	
Mobility and Parking Standards	See standards that follow and Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Plan view illustration of typical development configuration



Perspective view of typical development configuration

1. General Access and Layout.
 - a. Streets. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street type, the following criteria shall apply:
 - i. The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
 - ii. The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
 - iii. A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
 - b. Variable Block Lengths. Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.
2. Lot Arrangement. All lots are to include frontage abutting a street, park or plaza (a public square, marketplace, or similar open space in city or town). A substantial percentage of the dwelling units are to be located within a 5-minute walk (1,320 feet) from the perimeter of a plaza or park as noted below:
 - a. For a proposed TND less than 80 acres in size, at least 90%
 - b. For a proposed TND of 80 to 90 acres in size, at least 70%
 - c. For a proposed TND of 90 to 100 acres in size, at least 50%
3. Neighborhood Structural Element Standards.
 - a. Neighborhood Core.
 - i. Parks, plazas and open spaces are to be sited to provide community focal points and public gathering places.
 - ii. The focal area must have a minimum area of 30,000 square feet. The neighborhood core may face or surround the plaza or square.
 - b. Transition Area. The generally residential area, which may have limited commercial uses, but is primarily a mix of residential types, located between the core and edge areas.
 - c. Edge Area. A greenbelt (a substantial area of woods, parks, or open land surrounding a community on which building is restricted) shall be sited that will provide a clear edge to the community, open space for community residents, and natural areas for stormwater management.
 - d. Common Area. Common areas may include, but are not limited to, roads, sidewalks, stormwater management facilities, playgrounds, club houses and other amenities, parks, green spaces, and conservation land.
4. Unit Density and Intensity Standards. The requested densities, in terms of floor area ratios (FAR) and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters.
5. General Access and Layout.
 - a. Streets. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street type, the following criteria shall apply:
 - i. The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
 - ii. The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
 - iii. A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
 - b. Variable Block Lengths. Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.
6. Unit Density and Intensity Standards. The requested densities, in terms of floor area ratios (FAR) and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters.

TND Table 3.8.13.1 - Density and Area Allocation Standards

Use Category	Minimum Land Allocation	Max. Land Allocation	Min. Density (per acre)	Max. Density (per acre)	Min./Max. Intensity (FAR)	Minimum Height (feet)	Maximum Height (feet)
Parks and open space	10%	-	-	-	-	-	-
Civic uses	2.5%	20%	-	-	2/4	-	3 stories ² / 45'
Retail ⁴ , office uses, lodging	2.5%	20%	-	-	1.5/3	2 stories ¹	3 stories ² / 45'
Upper-floor dwellings for retail and office uses ⁸	-	-	-	22	1.5/3	-	3 stories ² / 45'
Multi-family dwellings (not part of a mixed-use structure) ⁶	5%	15%	15	22	1.5/4	2 stories ¹	3 stories/ 45'
Single-family attached ⁵ and detached dwellings ⁷	15%	50%	6	12	-	-	2 stories ³ / 35'
Single family detached dwellings ⁷	25%	50%	4	6	-	-	2 stories ³ /35'

"-" = not applicable; "FAR" = floor area ratio

¹ 1 story by special exception

² 4 stories by special exception

³ 3 stories by special exception

⁴ Single store footprint limited to 25,000 square feet, greater by special exception

⁵ Single family attached dwellings are single structures containing 2-4 dwelling units. A minimum mix of 15% of either unit type is required

⁶ Not more than 25 percent are permitted as four bedroom units

⁷ Accessory dwelling units allowed by special exception meeting other standards of Sec. 3.5.6.

⁸ First floor residential by special exception

TND Table 3.8.13.2 - Setback for Principal Buildings

Location by Street Type	Minimum Frontage (feet)	Maximum Average Frontage (feet)	Minimum Front Setback (feet)	Maximum Front Setback (feet)	Minimum Side Setback (feet)	Maximum Side Setback (feet)	Minimum Rear Setback (feet)
Parkways	80	-	10	30	5	-	20
Boulevard	40	80	5	30	5	20	20
Main street	-	40	-	10	-	5	5
Avenue	20	40	5	20	5	-	20
Local	20	70	5	30	5	-	20
Public alley or lane	20	70	5	30	5	-	10
Private alley	20	70	5	30	5	-	7 ¹

"-" = not applicable

¹ If no parking allowed

TND Table 3.8.13.3 - Traditional Neighborhood Development Use Location

Street Type	Civic Uses	Retail or Service Uses	Multi-family Uses	Single-family Uses
Arterial	x	x	x	-
Collector	x	x	x	-
Mixed-use Local	x	x	x	
Local	-	-	x	x
Alley or Lane	-	-	-	x

"x" = permitted; "-" = not permitted.

7. Prominent Sites and Vistas.
 - a. Prominent sites are reserved for the following building types.
 - i. Civic buildings, such as but not limited to, government offices, libraries, museums, schools, or churches;
 - ii. Hotels; or office buildings;
 - b. Buildings located on a prominent site shall be at least two stories high.
 - c. A “prominent site” may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower-order street.
8. Frontage and Siting Standards.
 - a. Location of Uses. The location of uses are to be governed by street frontage as shown in Table 3.1.
 - b. Building Lines. The setback for principal buildings are to be as established in Table 3.2. Setbacks for accessory structures or accessory dwellings must comply with that for Accessory Uses and Structures.
 - c. Frontage and Setback Requirements. Frontage and setback requirements do not apply to parks and open space. In order to allow for setback variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements along a street segment are to be computed as an average.
9. Building Design.
 - a. Entrance. The principal entrance of all buildings must open to a street (excluding outbuildings).
 - b. Building Orientation. All principal buildings are to be oriented to parks and open space or to a street. Loading areas must not be oriented to a street. Buildings that abut both a street and parks or open space are to be oriented to both features.
 - c. Front Porches. Front porches are to be provided on at least 50% of all dwelling units with- in the single-family land-use allocation. Porches are to be constructed of masonry or wood materials. Architectural metal may be used if it is consistent with the exterior or roofing materials of the primary building. The seating area must have a minimum width of nine feet and a minimum depth of six feet.
10. Mixed-Use Buildings.
 - a. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use.
 - b. The submitted floor plans must identify the use of each room.
 - c. Uses may abut at side or rear lot lines, or face across streets or parks. This applies regardless of whether they are in the same or a different land-use category.
 - d. No single building footprint may exceed 25,000 square feet unless authorized by a special exception.
11. Landscaping and Screening.
 - a. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses are not to be separated from multi-family or single-family land uses within the TND by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.
 - b. A plan for the landscaping, buffering, and tree mitigation elements must be provided as described in Section 3.6.13.13.c.
 - c. Adherence to the Streetscape and Parking lot landscaping standards found in Article 5 is required for a TND.
12. Parking.
 - a. Adequate parking is to be provided to service all site uses. In order to achieve the intent of the TND District, minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The applicant shall demonstrate adequate parking.
 - b. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement in Article 3. Residential uses shall meet or exceed the standard requirement.
 - c. Parking lots are to be located at the rear of principal buildings or in mid-block locations. A landscape island a minimum of 9 feet wide and totaling 360 square feet must be provided for every 15 spaces.
 - d. Parking lots and parking garages must not abut street intersections or civic use lots.
 - e. Parking lots must not be located adjacent to parks or open space.
 - f. Parking lots must not occupy lots that terminate a street vista.
 - g. Parking lots are to be located in the interior of a block or shall take access from an alley.
13. Property Owner’s Association.
 - a. A plan for a Traditional Neighborhood District must be accompanied by provisions for a property owners’ association that include the following:

- i. Projected date of organization.
 - ii. Organizational structure, including structure of planned timeline for transfer of control from the developer to the association.
 - iii. Diagram of areas to held in common by the property owner's meeting.
 - iv. Initial estimated fees for the proper functioning of the property owners' association.
 - v. Plan for collective shared maintenance of common areas including stormwater management facilities.
 - b. Before building permits are issued for any building in an approved TND, a property owner's association, as applicable, must be incorporated and recorded.
14. Zoning Approval Process.
- a. A Traditional Neighborhood Development may be established upon application through the requirements and procedures for rezoning land and shall require submittal of a master regulating plan and overall landscaping plan as described below.
 - b. Approval of a rezoning to Traditional Neighborhood Development and its regulating plan will be valid for two years before construction must begin. The ordinance enacting any such rezoning shall contain a condition stating that the district shall revert to its prior underlying zoning if construction has not begun within two years after the date of approval.
15. Master Regulating Plan Requirements. Application for a Traditional Neighborhood is to be accompanied by a master regulating plan developed in accordance with the intent, principles and standards of the district. The master regulating plan elements at a minimum, the following.
- a. A topographic survey and stormwater management plan.
 - b. The layout and location and hierarchy of streets and public open spaces and parking areas. This should include the proposed location of all designated prominent sites and vistas.
 - c. Layout and location of residential, commercial, mixed-use and civic building lots.
 - d. Plan data and statistics that include densities (dwelling units/acre) or intensities (floor area ratio), building types, setbacks, and other descriptive information required to determine compliance.
 - e. A list of uses by neighborhood section.
 - f. A master sign plan.
 - g. A series of architectural renderings which convey the overall character of the development.
 - h. Architectural design regulating covenants for all site elements and buildings.
 - i. An open space plan indicating proposed improvements thereon and the conditions at the project edges.
 - j. A proposed staging plan for the three primary required areas: core, transition and edge.
 - k. A stormwater management plan that shows integration of stormwater management facilities in to the overall project design.
 - l. An overall landscaping plan for the entire development which must include:
 - i. Tree survey plan with tree inventory counts. Should include identification of the location of vegetation to be preserved including the species, and size range of existing trees to be preserved, and a clearing plan for any areas where tree removal is proposed. Full tree mitigation is required.
 - ii. Scaled drawing of the site, with north arrow, indicating areas for preservation, location and spacing of new trees and shrubs proposed for use; and existing and proposed one-foot contours to ten feet beyond the site boundary.
 - iii. Construction details and cross-sections sufficient to explain specific site conditions and solutions. Possible conditions include berms, retaining walls, screen walls, fences, tree wells to preserve existing trees, or culverts to maintain natural drainage patterns.
 - iv. A plant list of all proposed landscape materials including trees, shrubs, and grasses. Showing (for trees) caliper sizes, root type (bare root, balled and burlapped, container size), height of material, botanical and common name.
 - v. Planting and staking details to ensure proper installation and establishment of proposed plant materials. To include type and amount of mulch, ground cover and grasses. Should include irrigation plan, if appropriate, or water outlets.
 - vi. Proposed location of light poles, refuse container enclosures, walls, fences, protective curbing, mechanical equipment, and other hard landscaping materials.
 - vii. A landscape maintenance plan including a statement that all diseased, damaged, or dead material shall be replaced in accordance with the landscape ordinance.

- m. A phasing plan for the entire development along with projected implementation schedule, to include triggers for initiating subsequent phases.
- n. A storm water management plan that shows integration of storm water management facilities into the overall project design.

16. Administrative Process.

- a. Approval of development within phases designated on the approved master regulating plan will follow the processes for site plan and subdivision approval as appropriate.
- b. Conflict with other Provisions. Where the provisions of a TND conflict with other ordinance provisions, the provisions of this district shall apply with the exception of any health or safety regulations which must be met.
- c. Modifications to a TND Master Regulating Plan. From time to time it may be necessary or desirable to modify elements of the approved master regulating plan for a TND. Such elements may include the geographic areas of the core, transition, and edge areas; the phasing plan for development; the stormwater management drainage plan; the layout, location, and hierarchy of streets, public open spaces, and parking areas; the plan for improvements to open space areas; the layout and location of residential, commercial, mixed-use, and civic building lots; proposals for intended densities and intensities, proposed uses in each neighborhood section; the master signage plan; architectural renderings to convey the overall character of the development; and architectural design-regulating covenants for all site elements and buildings. The procedure for changes shall be:
 - i. For modifications that are more technical than substantial the Director of Planning and Development will make a recommendation regarding the request to the Mayor and City Council who will determine whether to grant the modification.
 - ii. For modifications that the Director of Planning and Development determines to be substantial the Planning Commission, with a recommendation from the Director of Planning and Development, will make a recommendation regarding the request to the Board of Mayor and Aldermen who will determine whether to grant the modification.

3.6.17 M-1 Industrial District.

This district is designed to implement the Special Areas - Industry placetype in Discover Paragould 2042 comprehensive plan. The district recognizes the importance of industry, reserving areas for the use that might otherwise be developed as non-industrial use. The district is designed to encourage industrial park development and promote landscaping of industrial enterprises, to improve compatibility with adjacent development.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	None
Minimum Lot Frontage	100'
Lot width at the building line	50'
Front Yard (min/max)	25'
Side Yard	5' or 0' when sites are simultaneously developed and facade is continuous
Side yard at street	
Rear Yard	5'
2. Use and Intensity	
Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Lot Coverage	0.9
Floor Area Ratio	2.5
Maximum Structure Height ²	35'
3. Site Specific Design Standards	
Mobility and Parking	See Article 6
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations, 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.18 M-2 Industrial District.

This district is designed to implement the Special Areas - Industry placetype in Discover Paragould 2042 comprehensive plan. The district recognizes the importance of industry, reserving areas for the use that might otherwise be developed as non-industrial use. The district is designed to encourage industrial park development and promote landscaping of industrial enterprises, to improve compatibility with adjacent development.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	None
Minimum Lot Frontage	100'
Lot width at the building line	50'
Front Yard (min/max)	25'
Side Yard	5' or 0' when sites are simultaneously developed and facade is continuous
Side yard at street	
Rear Yard	5'
2. Use and Intensity	
Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Lot Coverage	0.9
Floor Area Ratio	2.5
Maximum Structure Height ²	35'
3. Site Specific Design Standards	
Mobility and Parking	See Article 6
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations, 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

3.6.19 Planned Unit Development District (PUD).

The purpose of the planned unit development district is to provide for the development of planned communities that provide a wide range of land use types designed to function well in relation to one another. The PUD district offers an opportunity to use innovative and unique design elements in creating a planned total community that may not be achievable with other zoning classifications. For purposes of this title, any proposed planned unit development shall consist of at least ten acres in area unless otherwise authorized by the governing authority. A planned unit development should be planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

6. Lot Standards and Buildable Area	
Minimum Lot Size/ Frontage	See Design Standards that follow
Minimum Lot Frontage	
Lot width at the building line	
Front Yard (min/max)	
Side Yard (min/max)	
Side yard at street	
Rear Yard	
7. Use and Intensity	
Permitted Land Use	Permitted uses within a PUD District are not subject to the Table of Uses. A PUD shall propose a use list of uses composed from Table 4.1, Use Matrix. Uses shall be defined as by the definitions of this code unless an alternative is provided.
Development Intensity	See Design Standards that follow
Lot Coverage	
Maximum Structure Height	
8. Site Specific Design Standards	
Mobility and Parking	As approved in a Master Plan
9. Required Review and Approval Processes	
See Article 9, Administration	
10. District Exceptions and Notes	
1 See exceptions to height limitations	
2. See methods for dimensional measurements	



11. Typical Development Configuration	
12. Eligibility Criteria	
In order to qualify as a PD District a project request shall meet the following requirements:	
a. The site shall be in single ownership or control, or if in several ownerships, the application for amendment to this Chapter shall be filed jointly by all of the owners.	
b. The site shall contain not less than ten acres.	
c. The proposed development shall be consistent with the Paragould Comprehensive Plan.	
d. The applicant shall demonstrate that the proposed development accomplishes the objectives of §1.2 of this Chapter to a greater extent than land developed under any other zoning district, including a base zoning district or a TND District	
13. Planned Development Design Standards	
Design Generally	a. PUD District zoning is intended to permit flexibility in the design, construction, and processing of mixed use developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. However, the design elements as set forth in Article 5 shall be adhered to in the design of a Planned Development and shall be used in the city's review of proposed PUD District projects
	b. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. A variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
Lot Standards and Buildable Area	A PUD District is not subject to any prescribed dimensional or density provisions but shall conform to the following, unless a different standard approved:
	a. Maximum height is forty-five (45) feet, except where otherwise permitted by the Comprehensive Plan.
	b. Maximum gross density is twenty-four (24) residential units per gross acre.
	c. A minimum of ten percent and a maximum of 70 percent of the total project floor area shall be reserved for non-residential uses.
Open space, Parks, Recreation Area	d. The maximum Lot Coverage is sixty percent (60%) of the total site area.
	Minimum of 25 percent of the total site area. Portions of street rights-of-way that include street trees, sidewalks, and landscaped areas may be counted toward meeting open space requirements
Architectural Elements	a. Building height, rhythm, articulation, massing, and bulk shall be compatible with the individual site attributes and with the surrounding neighborhoods.
	b. Distinctive architectural details such as covered front entryways, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling or principal structure.
	c. Garage fronts shall be deemphasized and shall not be the most prominent architectural feature of a house. This can be accomplished by providing side access garages, detached garages, and/or L-shaped floor plans. Front access garages shall be recessed from the front elevation of the structure at least 10 feet in order to provide interest and relief from the street. The garage area may not exceed 40% of the front facade of the structure. The front elevation shall include a porch or similar entrance designed for people rather than automobiles.
	a. A minimum total area of ten percent of the gross residential area shall be set aside as parks and playgrounds. Of this ten percent, a maximum of one-half may be covered with water. A maximum of five (5) percent of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

Recreational Elements	a. At least 20% of the residential units shall be located within 1,000 feet of an open space, park, or Greenway.
	b. Recreation and open space facilities shall be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans.
	c. When provided, neighborhood scale recreation facilities and amenities should be functional. If detention or retention areas are used for recreational amenities, they shall be designed to have the appearance of natural ponds or hillsides rather than stormwater management facilities. Such areas shall include natural vegetation, turf, or landscaping within all areas not permanently covered with standing water.
Additional Elements (at least 2)	a. Bicycle lanes should be included along at least 70 percent of the linear frontage of all planned collector or arterial streets within or adjacent to the development when connections are feasible. Where connections are not feasible, 10 feet of space shall be provided for future bike lane construction.
	b. Bicycle parking facilities should be provided for all uses except single-family detached and duplex residences.
	c. A customized entrance may be provided at the entry street intersecting an arterial or collector street that features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, or other similar treatment.
Parking	Parking, areas designated for parking shall be physically separated from public streets and shall be designed in a manner conducive to safe ingress and egress. Access points to internal public streets or internal circulation drives should be no more than three hundred (300) feet apart.
Landscaping and Stormwater Management	a. Buffer yards or landscaping may be required by the Planning Commission between uses within any PUD District or along the perimeter of the District.
	b. A means of on-site drainage retention shall be provided to control stormwater runoff so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and the governing authority.
Urban Design	Urban design standards applicable to all proposed structures are required and shall be submitted in conjunction a planned development application. The design elements specified in this section shall be incorporated into the required urban design standard.

3.6.20 FLO Flood Overlay District.

The purpose of this district is to implement the Paragould's Flood Damage Prevention Ordinance.

14. Lot Standards and Buildable Area ¹	
Minimum Lot Size	As governed by the underlying base district
Minimum Lot Frontage	
Lot width at the building line	
Front Yard (min/max)	
Side Yard	
Rear Yard	
15. Use and Intensity	
Permitted Land Use	As governed by the underlying base district
Residential Intensity	
Lot Coverage	
Floor Area Ratio	
Maximum Structure Height ²	
16. Site Specific Design Standards	
Parking	As governed by the underlying base district
17. Required Review and Approval Processes	
Subdivision Standards	As governed by Subdivision Regulations
Building, Lot, and Design Standards	See Articles 4 and 5
Mobility Standards	See Article 6
18. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

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ARTICLE 4

IN THIS ARTICLE:

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ARTICLE 4 - USES AND USE CONDITIONS

4.1 PERMITTED USES IN ZONING DISTRICTS.

4.1.1 Generally. Property lying within each of the districts as reflected on the official zoning map shall be used only for the purpose as hereinafter set forth, and in accordance with the provisions of this ordinance. The uses permitted in each of the types of districts shall be those uses listed in Table 4.1, Use Matrix.

For any use not specifically listed, the zoning authority shall make a determination of the appropriate zoning district in which such use shall be permitted either by right, or by conditional use. If the Director cannot reach a determination, then the matter shall come before the Planning Commission for such determination.

4.1.2 Accessory and Temporary Uses.

Accessory uses shall only be established in conjunction with primary permitted uses. Accessory uses independent of a primary use are prohibited.

4.1.3 Planned Unit Development. Uses in a PUD are governed by their respective sections in this Article, and are not subject to Table 4.1, Use Matrix unless otherwise specifically referenced in the district text.

4.1.4 Use Interpretation. The Director shall decide whether any proposed use is permitted within the city's zoning jurisdiction based on the uses listed in the Use Matrix. When unclear if a proposed use is permitted, the Director shall consider the following criteria and may consult the most recent edition of the North American Industrial Classification System (NAICS) and similar guides. Any use not specifically listed in the Use Matrix or substantially like a listed use, as determined by the planning director, is prohibited.

- a) The characteristics of the activity in relationship to the stated intent of the district.
- b) The expected amount of site area or floor space and equipment devoted to the activity.
- c) Expected sales from each activity.

- d) The expected customer type for each activity (e.g., retail, service, wholesale, and individuals vs. groups).
- e) The expected number of employees in each activity.
- f) The hours of operation and expected outdoor activity.
- g) The required or anticipated building type, design, and site arrangement.
- h) The type of vehicles used with the activity and expected number of trips. The proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than 10 percent, as determined by the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual. If the trip generation is not listed in the ITE Manual, the use shall be considered materially similar.
- i) The number, type, and location of signage and other accessory structures normally associated with the use.

4.1.5 Determination of Principal Use

- a) If multiple uses exist on or are proposed for a site, the planning director shall determine which of the uses is or will be the principal use of the property for the purposes of applying this code.
- b) When it is determined that multiple principal uses exist on or are proposed for a site, each principal use shall separately be subject to all applicable regulations for that use as indicated in the Use Matrix and any conditions or development standards related to that use.
- c) Any use that is not determined to be a principal use of the property shall be subject to all applicable regulations for accessory uses as indicated herein.

4.1.6 Interpreting the Use Matrix

The Use Matrix is organized by zoning districts, use categories and specific uses. Each zoning district is color coded for ease of reference. Each use is grouped by use category under separate headings. Symbols within the Use Matrix indicate how individual uses are regulated. Uses shall be governed by conditions set out in the following categories:

- a) **Uses by Right.** The land uses contained within the Use Matrix set forth herein and denoted with "■" are considered permitted uses as a matter of right, subject to any associated use conditions. Uses by Right are subject to any permits or administrative approvals required by the City of Paragould.
- b) **Conditional Uses.** The land uses contained in the Use Matrix set forth herein and denoted with a "□" are considered conditional uses and require the review and approval in accordance with the conditional use provisions set forth in Article 9. These uses possess such characteristics of unique or special form that each shall be considered individually and shall be subject to conditions imposed thereon for the protection of the health, safety and general welfare of the City.
- c) **Use Not Permitted.** The land uses contained in the Use Matrix denoted with "◆" are not permitted within the district.
- d) **Planned Unit Development.** The PUD shall be controlled by the uses included in the master plan as approved.
- e) **Overlay Districts.** Uses within a PUD are governed by the master plan as approved, and shall conform to the uses and conditions established therein.

Table 4.1. Use Matrix																
Use	Zone															
	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
Accessory, Miscellaneous, and Temporary Uses																
Accessory structure	■	■	■	■	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆
Automated teller machines (ATM)	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	◆
Carnival/circus (temporary)	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Drive-through facility or window, accessory to permitted use	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	◆
Dwellings, accessory to a non-residential use	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Electric vehicle charging station	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	■	■	◆
Fences	■	■	■	■	■	■	■	■	■	■	■	■	◆	■	■	◆
Home occupations	■	■	■	■	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆
Mobile food vendor	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	■	■	◆
Mobile food vendor court	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Swimming pools	■	■	■	■	■	■	■	■	■	◆	◆	◆	◆	◆	◆	◆
Outside sales	■	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	■	■	◆
Outside storage	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆
Parklet	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Playground equipment	■	■	■	■	■	■	■	■	■	■	■	■	◆	◆	◆	◆
Temporary, seasonal sales	■	■	◆	◆	◆	◆	◆	■	■	■	■	■	◆	■	■	◆
Sales kiosks	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	◆	◆	◆	◆	◆

Table 4.1. Use Matrix

◆= Not permitted, ■=By-right use, □=Conditional Use	Zone																	
Use	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD	FLO	Use Condition
Swimming Pool, private	■	■	■	■	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	4.3.13
Vehicle wash, accessory	◆	◆	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	■	□	◆	◆	4.3.15
Accommodation and Group Living																		
Continuing care retirement communities	◆	□	□	□	□	□	□	■	■	◆	◆	◆	◆	◆	◆	◆	◆	4.4.1
Bed & breakfast	□	□	□	□	□	□	□	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	4.4.2
Group homes	□	□	□	□	□	■	■	■	□	◆	◆	◆	◆	◆	◆	◆	◆	-
Hotel, motel with accessory uses such as lounges and restaurants	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	□	◆	◆	◆	◆	◆	4.4.3
Recreational vehicle (RV) park	□	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	4.4.4
Short-term rentals	□	◆	◆	◆	□	□	□	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	4.4.5
Agricultural Uses																		
Confined Animal Feeding Operations	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Crop cultivation	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Livestock grazing	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Truck farming	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Assembly, Recreation, Entertainment																		
Amusement center (indoors)	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	□	◆	◆	◆	◆	◆	4.5.1
Amusement center (outdoors)	□	□	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	4.5.2
Assembly hall or lodge	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	□	◆	◆	◆	◆	◆	4.5.4
Child care center	◆	◆	◆	◆	◆	◆	◆	■	□	□	◆	□	◆	◆	◆	◆	◆	4.5.3
Child care family home	□	□	□	□	□	□	□	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	
Funeral home, mortuary, undertaking establishment	□	□	◆	◆	◆	◆	◆	■	□	□	◆	□	◆	◆	◆	◆	◆	-
Health clubs, health spas, fitness centers, dance studios	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	□	◆	◆	◆	◆	◆	-
Golf courses and driving ranges	■	■	□	□	□	◆	◆	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Nightclub, bar, taproom, or similar	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	□	◆	◆	◆	◆	◆	4.5.6
Places of worship, small scale	■	■	■	■	■	■	■	■	■	■	■	■	◆	◆	◆	◆	◆	4.5.7
Places of worship, large scale	■	■	□	□	□	□	□	■	□	□	◆	□	◆	◆	◆	◆	◆	4.5.8
Private parks, playgrounds	■	■	■	■	■	■	■	□	□	□	□	□	◆	◆	◆	◆	◆	-
Public parks/recreation facilities	■	■	■	■	■	■	■	■	■	■	■	■	◆	■	■	◆	◆	-
Swimming pool, commercial	□	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	-
Theater, indoors	◆	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	■	◆	◆	◆	◆	◆	-
Commercial, Retail and Wholesale																		

Table 4.1. Use Matrix																
Use	Zone															
	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
Auto, truck or boat sales, without service and repair	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆
Auto, truck or boat sales, with service and repair	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	◆	◆	◆
Auto filling and/or charging Stations	◆	◆	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	◆	◆	◆
Catering establishments, off premises service)	□	□	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Convenience stores, with or without fuel sales)	□	◆	◆	◆	◆	◆	◆	■	■	□	◆	□	◆	□	□	◆
Copying, quick printing, business service centers	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Eating establishments, without drive-through	□	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Eating establishments, with drive-through	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	□	◆	◆	◆	◆
Farm equipment sales and service	■	◆	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	■	■	◆
Feed and fertilizer sales	■	◆	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	■	■	◆
Flea Market, inside sales only	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆
Liquor store	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	□	◆	◆	◆	◆
Personal care salons	□	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Retail sales, unless otherwise specified and inside sales only	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Retail sales, unless otherwise specified and inside or outside	◆	◆	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	◆	◆	◆
Short -term lenders (urban banks)	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	◆	■	◆
Wholesale sales, inside only	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	◆	◆	■	■	◆
Wholesale sales, inside or outside	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	■	■	◆
Commercial, Service																
Auction yard	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆
Brewery	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	■	◆	■	■	◆
Building material products and supplies	□	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	■	◆
Commercial printing, lithographic or similar	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	■	◆
Contractor's shops and yards.	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	■	■	◆
Dry cleaning and laundry pick-up stations, laundromats	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	◆	◆
Equipment sales, rental and service, small scale	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	◆	◆	■	■	◆
Equipment sales, rental and service, large scale	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	■	■	◆
Greenhouse and plant nurseries	■	□	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	■	■	◆

Table 4.1. Use Matrix

◆= Not permitted, ■=By-right use, □=Conditional Use	Zone																	
Use	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD	FLO	Use Condition
Job shop (small scale)	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	■	■	◆	◆	4.7.3
Job shop (large scale)	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	■	■	◆	◆	4.7.4
Kennel	□	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	□	□	◆	◆	4.7.5
Research laboratory , other than medical	■	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	■	◆	◆	-
Medical and dental laboratories	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	□	◆	■	■	◆	◆	-
Mini-warehouse facilities	□	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	■	■	◆	◆	4.7.6
Manufactured home sales and service	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	□	■	◆	◆	4.7.7
Pawn shop	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	□	□	◆	◆	-
Psychic, palm and tarot card readers	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	◆	◆	◆	◆	-
Vehicle service, small scale	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	◆	◆	■	■	◆	◆	4.7.8
Vehicle repair, large scale	◆	◆	◆	◆	◆	◆	◆	■	□	□	◆	◆	◆	■	■	◆	◆	
Vehicle wash, automatic and full service	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	◆	◆	■	■	◆	◆	4.7.9
Warehousing, inside storage only	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	■	■	◆	◆	-
Industrial, Warehouse, and Distribution Uses																		
Butane, propane, liquefied gas storage and sales	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	■	■	◆	◆	-
Distribution and fulfillment facilities, inside or outside	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	■	■	◆	◆	-
Manufacturing and processing excluding hazardous or explosive materials	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	4.8.1
Manufacturing and processing including hazardous or explosive materials	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	
Mineral extraction or surface mining	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	4.8.2
Moving, storage, crating	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	-
Pest/environmental control	◆	◆	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	■	■	◆	◆	-
Community recycling, drop off only	◆	◆	◆	◆	◆	◆	◆	□	□	□	◆	◆	◆	■	■	◆	◆	4.3.12
Salvage and scrap processing and storage	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	
Public, Institutional, Professional, Community																		
Ambulance facility/service	■	■	■	■	■	■	■	■	■	■	■	■	◆	■	■	◆	◆	-
Animal clinic, w. accessory kennel	□	◆	◆	◆	◆	◆	◆	■	◆	□	◆	◆	◆	◆	◆	◆	◆	4.9.1
Art studios, galleries, and museums	◆	◆	◆	◆	◆	◆	◆	■	■	□	■	■	◆	◆	◆	◆	◆	-
Banks, savings and loans	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	◆	◆	-
Cemetery, mausoleum, columbarium	■	□	□	□	□	□	□	□	□	□	□	□	◆	◆	◆	◆	◆	-
City, State or Federal buildings and facilities	◆	◆	◆	◆	◆	◆	◆	■	■	■	□	■	◆	◆	◆	◆	◆	-
Civic, cultural, or community center	◆	□	□	□	□	□	□	■	■	■	◆	■	◆	◆	◆	◆	◆	-

Table 4.1. Use Matrix																
Use	Zone															
	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	Use Condition
Correctional facilities	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	□	□	-
Fire and police station	■	■	■	■	■	■	■	■	■	■	■	■	◆	■	■	-
Hospitals	◆	◆	◆	◆	◆	◆	◆	■	■	□	◆	◆	◆	◆	◆	-
Libraries	■	■	■	■	■	■	■	■	■	■	■	■	◆	◆	◆	-
Offices, professional and studios (services, medical, legal, real estate, brokers, etc.)	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	-
Medical clinics, includes dental, and other health care clinics	◆	◆	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	-
School, commercial or trade	□	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	■	◆	◆	◆	-
School, primary-secondary (private)	□	□	□	□	□	□	□	■	■	□	◆	■	◆	◆	◆	-
School, primary-secondary (public)	□	□	□	□	□	□	□	■	■	■	◆	■	◆	◆	◆	-
Residential Uses																
Dwelling, accessory	■	■	■	■	■	■	■	□	□	◆	■	◆	◆	□	□	4.10.1
Dwelling, single unit	■	■	■	■	■	■	■	◆	◆	◆	■	◆	◆	◆	◆	-
Dwelling, two unit (duplex)	◆	◆	◆	◆	□	□	■	◆	◆	◆	◆	◆	◆	◆	◆	4.10.2
Dwelling, multi-unit (3+ units)	◆	◆	◆	◆	◆	◆	■	◆	□	◆	◆	□	◆	◆	◆	4.10.3
Dwelling, townhouse	◆	◆	◆	◆	◆	□	■	◆	◆	◆	◆	□	◆	◆	◆	4.10.4
Dwelling, zero lot line	◆	◆	◆	◆	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	4.10.5
Dwelling, upper-floor	◆	◆	◆	◆	◆	◆	◆	□	□	◆	■	■	◆	◆	◆	4.10.6
Manufactured home	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	4.10.7
Manufactured home park	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	◆	◆	◆	4.10.8
Transportation Uses																
Airports, heliports	□	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	□	□	-
Freight yards, truck and bus terminals.	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	-
Garage or parking, commercial or public utility vehicles	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	■	■	-
Parking garage	◆	◆	◆	◆	◆	◆	◆	■	□	◆	◆	□	◆	■	■	-
Truck fleet maintenance	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	-
Vehicle storage lot, non-salvage	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	-
Utility Uses																
Utility substations and pump stations	■	■	■	■	■	■	■	■	■	■	■	■	◆	■	■	-
Sewage treatment plant	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	-
Solar farm	□	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	□	□	-
Solid waste disposal facility	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	□	◆	-
Telecommunications facilities	□	□	□	□	□	□	□	□	□	◆	□	◆	◆	□	□	4.11.1

4.2 USE CONDITIONS GENERALLY.

- a) The requirements of the following sections shall apply to all permitted and conditional uses a Table 4.1, Use Matrix for the same use and in the same manner.
- b) All conditions in this section shall be applied in addition to any applicable requirements of the zoning district and other requirements of this code including the general findings and necessary ad hoc conditions required for approval of a special exception as well as applicable appendices.

4.3 ACCESSORY, MISCELLANEOUS, AND TEMPORARY USES.

- a) **In General.** An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.
- b) **Yard Requirements.** Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this section.
- c) **Special Standards.** Each accessory use shall comply with all of the standards listed for that use.

4.3.1 Accessory structure. Where permitted, accessory buildings shall be subject to the following conditions:

- a) A primary structure shall present on the same lot.
- b) Accessory structures shall not be used as a habitable dwelling unit.
- c) Area limitation: Accessory structures, not including accessory dwelling units, shall be limited to 30 percent of the footprint of the primary structure, but shall not exceed 1,200 square feet, whichever is less. However, on lots over 1 acre such structures shall be limited to 10 percent of the lot.
- d) Maximum height: The maximum height shall not exceed 25 feet. However, the height of the accessory structure shall not exceed the height of the primary structure.
- e) Setbacks: The structure shall not be located in front of , or within 10 feet of the principal building and not within five feet of a side lot line, nor within 10 feet of a rear lot line.

- f) Number of structures: There shall only be one accessory structure per primary structure.

4.3.2 Automated teller machine. Where permitted automatic teller machines shall be subject to the following conditions:

- a) Setback: Minimum setback from an adjacent street, curblin, or alley shall be seven feet.
- b) Placement shall not result in elimination of required landscaping.
- c) Drive through access is not permitted.
- d) Lighting: Each exterior ATM shall be provided with security lighting in compliance with lighting standards.
- e) Refuse receptacles of sufficient size and number to accommodate refuse materials shall be provided.

4.3.3 Carnival or circus, temporary. Where permitted, temporary carnivals or circuses shall be subject to the following conditions:

- a) The duration of the event shall be no greater than 8 days.
- b) A site plan adequately illustrating provisions for ingress and egress, parking accommodations, security provisions, sanitation and general site layout shall be submitted for review and approval.
- c) A public safety and security plan shall be submitted to and approved by the Paragould Chief of Police.

4.3.4 Drive-thru facility or window accessory to permitted use. Where permitted, drive-in windows or drive-through facilities shall be subject to the following conditions:

- a) Drive-through facilities or windows are restricted to the side and rear of the building.
- b) Drive-through stacking lanes shall not be placed between the street right-of-way and the associated building except that on corner lots such restriction shall be limited to the front façade of the building.
- c) Drive-through windows are prohibited on the side of a building facing any residential zoning district or existing residential use.

4.3.5 Dwellings accessory to principal non-residential use. Where permitted dwellings accessory to a nonresidential use

shall be subject to the following conditions:

- a) The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
- b) Additional parking spaces required by Article 6 for such dwellings shall be provided.

4.3.6 Electric vehicle charging station. Where permitted electric vehicle charging stations shall be subject to the following conditions:

- a) Facilities should be able to be readily identified by electric car users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
- b) Where provided, spaces should be standard-sized parking stalls but designed in a way that will discourage non-electric vehicles from using them (for example, signage and/or placing EVCS further from the location entrance if at a retail store, etc.).
- c) Minimum Parking Requirements: An electric vehicle charging space may count for 1.5 spaces in the calculation for minimum parking spaces that are required pursuant to other provisions of the Zoning Ordinance.
- d) Number: Unless a City determines otherwise, no more than 10% of the total parking spaces may be Electric Vehicle Parking Spaces that are exclusively proprietary to a specific brand of vehicle.
- e) Signage: Each charging station space shall be posted with signage indicating the space only for electric vehicle charging purposes in commercial locations. Information identifying voltage and amperage levels, or safety information must be posted.
- f) Accessibility: Where charging station equipment is provided adjacent to a sidewalk or other accessible route to the building entrance, the charging equipment must be located so as not interfere with accessibility requirements.
- g) Maintenance: Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting

issues.

4.3.7 Fences. Where permitted, fences shall be subject to the following conditions:

- a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence (except for maintenance purposes) regulated by this code without first obtaining fence permit.
- b) **Plans and specifications.** Fence plans shall be submitted, drawn to scale, and include:
 - i. Building locations and area to be fenced,
 - ii. Height of proposed fence,
 - iii. Proposed materials,
 - iv. Location of surrounding streets and properties.
- c) **Permit issuance.** A completed application shall be reviewed for conformity with the following standards. Construction shall be completed in accordance with approved plans.
- d) **Standards.**
 - i. Fences constructed on any lot are subject to visibility requirements of this code.
 - ii. No fence, guy wire, brace or post shall be constructed upon or extend over public or publically controlled property except:
 - a. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.
 - b. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.
 - c. Utility easements if written permission is granted by all users.
 - iii. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. Access shall be provided to allow ingress and egress for maintenance.
 - iv. No fence shall exceed 7 feet in height measured from the adjacent finished grade, except as otherwise may be

provided. In M-1 and M-2 zoning districts, fences shall not exceed eight feet in height.

- v. Except in agricultural applications, none shall be electrically charged.
 - vi. No fence shall be constructed of barbed wire or other sharp, pointed material except for agricultural purposes.
 - vii. All fence enclosed areas shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be four feet.
 - viii. Construction material may be wood, vinyl, masonry, black chain-link, or other approved material except in the case where a screening device is required.
 - ix. The finished side of a fence shall display toward the outside of the enclosed area. All exposed structural members and cross bracing shall display internally to the enclosed area.
 - x. No fence shall be constructed in the required front yard building setback area greater than 4 feet in height. For corner lots, each street-side frontage shall be considered as a front yard. When primary structures are set back further than the required frontyard setback, height shall not exceed four feet between a building façade and street.
- e) **Inspections.** Completed construction shall be inspected for compliance.
- f) **Maintenance.**
- i. All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition.
 - ii. The owner or his designated agent shall be responsible for the maintenance of the fences.

4.3.8 Home occupations. Where permitted, home occupations shall be subject to the following conditions:

- a) Does not involve the use of commercial vehicles.
- b) Does not require the use of more than two rooms otherwise normally considered as living space.
- c) Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated

with residential uses.

- d) Does not have a sign in excess of six square feet to denote the business, occupation, or profession (and such sign must be attached to the structure).
- e) Does not involve the display of goods and services.
- f) Is approved by the enforcement officer as meeting all of the above.
- g) Home occupations shall be allowed in R-E, R-12, and R-10 residential zones for occupations which are conducted strictly and only over the telephone or by computer. Said home occupations shall post no signs, have no employees who do not reside in the residence and shall not park any cars which are a result of the business itself, but only those automobiles which are there as the resident's private vehicles.
- h) Home occupations shall not occupy more than 20 percent of the total dwelling area and shall not exceed 500 square feet.
- i) Home occupation shall not be carried out within an accessory building.
- j) There shall be no on-site employment other than occupants of the dwelling.
- k) The use shall not generate pedestrian or vehicular traffic beyond that reasonably expected to be generated by a residential living unit.
- l) Required parking shall be in accordance with the provisions of Article 6.
- m) Appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the dwelling or premises or other visible evidence of the conduct of such home occupation.
- n) Nuisances prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.
- o) All home occupations shall be subject to approval of the Director.

4.3.9 Mobile food vendor. Where permitted, mobile food vendors shall be subject to the following conditions:

- a) Mobile food vendors are a permitted in the districts indicated in the chart of uses where there is an existing principle commercial

use on site.

- b) Bathrooms must be accessible to the mobile food vendor operators.
- c) Mobile food vendors shall have the written permission of the property owner.
- d) Mobile food vendors shall be permitted on construction sites with an active building permit and on-going construction activity.
- e) Mobile food vendors shall operate for a maximum of 10 consecutive days and no more than 30 days in the same location in a 90 day period except in an approved mobile food vendor court.
- f) A maximum of three mobile food vendors shall be permitted at any one location at the same time.
- g) Mobile food vendors shall not be located in any fire lane, travel lane, entrances or exits, or in any required parking space.
- h) Mobile food vendors shall be located on a level paved or gravel surface with safe pedestrian access.
- i) The vicinity around the mobile food vendor shall be kept clean and free of debris and trash receptacles shall be provided.
- j) Amplified music or other sounds from any mobile food vendor may not unreasonably disturb nearby businesses, pedestrians, or vehicles.
- k) The area of a mobile food vendor operation shall be kept neat and orderly.
- l) Mobile food vendor trucks shall not be stored in any residential zone.
- m) Mobile food vendors associated with a city sponsored special event shall be exempt from these use conditions

4.3.10 Sales kiosks. Where permitted, kiosks shall be subject to the following conditions:

- a) The kiosk is compatible with the purpose and intent of this code and the specific land use in which it will be located.
- b) The kiosk is compatible in intensity and appearance with the existing land uses in the immediate vicinity of the use.
- c) Structures proposed for the use comply with setback and clear view requirements of the zoning ordinance and the applicable Building and Fire Code standards.
- d) Access is provided such that on-street parking is not required.

- e) The kiosk shall be placed so as not to disrupt the traffic flow into or on the site.
- f) Adequate parking is provided to serve the use, and if applicable, the use does not create a parking shortage for other existing uses on the site.
- g) The use will not cause noise, light, or glare which adversely impacts surrounding uses.
- h) The applicant has obtained written permission from the property owner to locate the proposed use.
- i) No other kiosk is found within 250 feet of another such use; and
- j) The use complies with all sign requirements
- k) The use shall be located on improved property including a main building, paved parking, curb and gutter, sidewalk, landscaping and fire protection systems as required by the city.
- l) A kiosk shall have appropriate utility connections, inspected for compliance to city codes.
- m) No kiosk shall be located closer than 100 feet to any residentially zoned property.
- n) A kiosk shall be surrounded by a minimum four- foot wide landscape strip except at the entrance drive-up window or walk-up-window.
- o) The site shall be cared for so as to keep it in a clean, neat and orderly manner.
- p) A kiosk shall collect and keep all waste within the structure except at time of pick-up.
- q) A kiosk shall be illuminated to ensure the comfort and safety of patrons during nighttime hours.

4.3.11 Swimming pool. Where permitted, swimming pools shall be subject to the following conditions:

- a) Location. No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any utility or drainage facility. No portion of any walkway or pool appurtenance structure shall be closer than four (4') feet to any lot line.
- b) Fence. Swimming pools shall be fenced in accordance with the applicable building code in force for the City of Paragould.

4.3.12 Outdoor storage or sales. Where permitted, outdoor storage or sales shall be subject to the following conditions:

a) **Outdoor storage.**

- i. Outdoor storage shall not be visible from any of the following:
 - a. A public street or freeway,
 - b. An existing or planned residential area,
 - c. Publicly accessible open space, parking area, access driveway, or similar thoroughfare,
 - d. Publicly accessible space of any public, quasi-public, commercial or industrial use, or
 - e. Undeveloped property where public access to areas adjoining the outdoor storage use is likely.
- ii. Outdoor storage shall only be permitted in rear yards.
- iii. No storage may exceed the height of its screening wall or fence. Walls or fences shall not exceed 8 feet in height.
- iv. No screening wall or fence shall be located within a front yard.
- v. Screening walls and fences shall be architecturally compatible with the main structure.
- vi. Surfacing. Outdoor storage areas shall be graded and drain all surface water to a public storm drain. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage and erosion and dust control are provided.
- vii. Lighting shall comply with the lightning standards of this code.

b) **Outdoor sales.**

- i. No goods shall be sold or peddled out of any vehicle, accessory building, or any object or structure that does not comply with building codes or setbacks. However, this shall not apply to farm produce, firewood, or seafood which is in a harvested form, any of which may be sold in an outdoor venue subject to the following provisions:
 - a. Sales vehicles or sales facilities shall be placed and sales shall only occur

within commercial and agricultural districts.

- b. No sales may occur on public roads, rights of way, or other public property. Use of private property without written permission of the owner is prohibited.

- c. Excluded from these provisions shall be any charitable or non-profit entity operating under a 501(c)(3) non-profit designation.

ii. **Additional Sales as Conditional Use.**

- a. Other activities or products that may be associated with the sale of farm produce, firewood, and seafood, may be permitted as a conditional use.
- b. Such uses shall be limited to the preparation and sale of human food stuffs only.
- c. Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the Department of Health.

4.3.13 Playground equipment. Where permitted, playground equipment shall be subject to the following conditions:

- i. Equipment shall be permanently affixed to the ground.
- ii. Equipment shall be placed in a rear yard only in residential zones.

4.3.14 Temporary seasonal sales. Where permitted, temporary and seasonal sales shall be subject to the following conditions:

- a) Temporary seasonal sales shall be compatible with adjacent uses and not adversely affect the surrounding neighborhood by means of odor, noise, dust or other nuisances.
- b) Additional parking required shall be provided on site, if applicable, or adequate street parking is available in the immediate area.
- c) Increase traffic shall not adversely affect the surrounding neighborhood.
- d) The use shall be consistent with the comprehensive plan and other applicable codes.
- e) Temporary seasonal sales shall be limited to 60 consecutive days per calendar year. Only

one such use is permitted at each location per calendar year.

- f) Temporary seasonal sales include Christmas trees, fall decor, and other seasonal retail uses which, in the opinion of the Director meet the intent of this section.
- g) Exempt Uses. Temporary services and commercial activities enacted for not-for-profit causes, such as car washes, bake sales, and other temporary retail or civic uses are exempt from the temporary or seasonal use permitting processes.
- h) Application for Temporary Seasonal Sales shall include an illustration of required parking spaces with location.
- i) Unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent raising of dust.
- j) All sites shall be completely cleaned of debris and temporary structures five days after the termination of the sale or special event.
- k) No area of public right-of-way may be used without obtaining approval from the City Council.
- l) Proof of ownership, or a signed letter from either the property owner or their authorized representative, for the property on which the activity is to take place shall be presented at the time the temporary/seasonal permit is requested.
- m) The Director may impose such conditions on a temporary or seasonal use permit as is necessary to meet the purposes of this section to protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
 - i. Yard setback and open space requirements.
 - ii. Parking.
 - iii. Fences, walls or other screening.
 - iv. Signs.
 - v. Vehicular and pedestrian ingress and egress.
 - vi. Property maintenance during the course of the activity.
 - vii. Control of illumination, noise, odor, vibration or other nuisances.

viii. Hours of operations.

4.3.15 Vehicle wash, accessory. Where permitted, an accessory vehicle wash shall be subject to the following conditions:

- a) Accessory vehicle washes shall be located in the side or rear yard only.
- b) Stacking spaces shall not exceed two spaces.
- c) All parking spaces shall be located to avoid conflict with on-site circulation patterns.
- d) Vacuum cleaner units shall be prohibited within 200 feet of a residential zone.
- e) Buildings shall be set back at least 100 feet from a lot line of any residentially zoned property.
- f) The tunnel exit shall be set back at least 50 feet from the nearest exit drive.
- g) No tunnel entrance or exit of a car wash operation shall face an adjacent residentially zone.
- h) The rear and sides of buildings facing resident zones shall be finished with materials that in texture and color so as to be compatible with buildings faced.
- i) Except for the required access drives, a landscaped transition area shall be provided along the perimeter of accessory vehicle washes with a minimum width of 10 feet where the car wash fronts a public right-of-way, and six feet on side and rear yards abutting nonresidentially zoned land. Car wash operations located within 50 feet of any residential zone shall provide a 15 foot buffer.

4.4 ACCOMMODATION AND GROUP LIVING USES.

4.4.1 Continuing Care Retirement

Communities. Where permitted, continuing care retirement communities shall be subject to the following conditions:

- a) A minimum of two acres shall be required. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads, or natural features which would visually or functionally divide the development.
- b) Accessory buildings shall only include amenities, physical plants, dining halls, maintenance buildings, or similar facilities.

All other buildings shall be principal buildings the use of which shall be for single family dwellings, multi-family dwellings, congregate or nursing care.

- c) All dwelling units shall be limited in occupancy to persons aged 55 years or older, the physically handicapped, and their spouses or primary care giver, except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- d) Driveway access to accessory building shall be through the main entrance to the community.
- e) The community shall be designed to include common facilities (e.g., meeting rooms, recreation rooms, dining halls, club houses, and similar facilities, etc.).
- f) The community may include accessory uses that provide personal services and retail shops limited to the residents of that facility provided they are integrated into buildings providing residential or community amenities (e.g., club house or recreation facility).
- g) Security lighting shall be installed along all mobility routes, parking areas, and at building entrances.
- h) Transit facilities shall be integrated into the community mobility plan and must include transit stops and areas for private shuttles, if used.
- i) Paved exterior walkways shall be provided between all buildings and all common facilities such as dining halls and recreation centers.
- j) No individual building shall be greater than 40,000 square feet if located within 500 feet from an adjacent lot in a residential zoning district.
- k) All lease/sale arrangements for dwellings shall be under the direct control of the management company responsible for the continuing care retirement community.
- l) No site shall have a density greater than 12 units per acre for accessory single-family dwellings.

4.4.2 Bed and Breakfast. Where permitted, bed and breakfast facilities shall be subject to the following conditions:

- a) Guest bedrooms shall be limited to a

maximum of five.

- b) The minimum house size for the use shall be 2,500 heated square feet.
- c) The use shall not create noise, light, traffic, or other conditions that constitute a nuisance to surrounding properties.
- d) The business owner shall comply with all tax, business license, and revenue collection ordinances of the City and State.
- e) A site plan shall be submitted for approval that shows, at a minimum, the following information:
 - i. Off-street and overflow parking. Parking must comply with the applicable requirements of this Code.
 - ii. Locations of outdoor facilities including tents, stages, or other structures and facilities that may be used for any temporary or permanent events.
 - iii. Any other items as determined required by the Director.
- f) All driveways and parking in residential zones shall be paved.
- g) The structure used for the Bed and Breakfast must be existing and may be modified only as necessary to meet building codes or assure the safety of any structure on site for the purpose of accommodating allowed uses.
- h) The structure shall be and remain single-family residential in character.
- i) Retail sales are limited to incidental items associated with the Bed and Breakfast only for guests only.
- j) Accessory buildings may be used for related activities as approved on the site plan or determined by the Director.
- k) Exterior lighting shall not exceed the level of lighting normally provided a single-family residence.

4.4.3 Hotel or motel. Where permitted, hotels or motels shall be subject to the following conditions:

- a) The building shall not be located within 200 feet of an exclusively residential zoning district.
- b) Any liquor sales associated with the use shall conform to the requirements of the State of Arkansas.

4.4.4 Recreational Vehicle (RV) Park. Where permitted, RV Parks shall be subject to the following conditions:

- a) Sites shall be a minimum of 3 acres.
- b) All recreational vehicle parks shall be serviced by central sewer.
- c) The park shall provide stormwater management as approved by the City.
- d) Parks shall be restricted to vehicles that conform to applicable Arkansas Department of Transportation regulations.
- e) Lot Sizes.
 - i. Minimum lot area shall be 1,600 square feet.
 - ii. Minimum lot width: 30 feet.
 - iii. Maximum grade for any lot shall be 2%.
- f) Driveways.
 - i. Minimum: 20 feet for two-way traffic; twelve feet for one-way traffic.
 - ii. Surface requirements: Minimum eight-inch sub-base with three inch paved surface.
 - iii. Circulation shall be continuous with adequate turn-arounds. Dead-end streets are prohibited.
- g) Electrical outlets shall meet the minimum standards of the building and electrical codes adopted by the City of Paragould.
- h) Washrooms or toilet facilities shall remain lighted at night.
- i) Outdoor lighting is required along pathways to rest rooms at a maximum of 100 feet apart, not exceeding three feet aboveground and reflected downward.
- j) Ancillary Facilities. Recreational vehicle parks may contain facilities regularly found in such parks, (i.e. bathhouses, restrooms, laundry rooms, offices, stores, conference facilities, recreation facilities, marinas, lodging facilities, retirement communities, restaurants, etc.), as approved by the City.
- k) The Planning Commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience, and general welfare of the public.

4.4.5 Short Term Rental. Where permitted, short term rentals shall be subject to the following conditions:

- a) The owner or designated manager shall permanently reside within 60 miles of the City Limits of Paragould.
- b) Short-Term Rentals shall be separated by a distance of 1000 feet except in condominium or multiple-family structures.
- c) No accessory structure shall be permitted for use as a Short-Term Rental.
- d) Occupancy shall be limited to a maximum of two persons per bedroom.
- e) All parking shall be provided off-street. Parking in any yard, except on a paved drive is prohibited.
- f) The outward appearance of a Short-Term Rental shall be indistinguishable from that of residence. Signage related to the activity is prohibited.
- g) Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure shall be supplied.
- h) Annual compliance inspection.
- i) Current privilege license issued by the City.
- j) Payment of all applicable taxes.

4.5 ASSEMBLY, RECREATION, AND ENTERTAINMENT.

4.5.1 Amusement Center, Indoor. Where permitted, an indoor amusement center shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
- c) Liquor sales associated with the use shall conform to the requirements of Arkansas law.

4.5.2 Amusement Center, Outdoor. Where conditionally permitted, outdoor recreation uses shall meet the following conditions:

- a) No outdoor recreational use shall start earlier than 8:00 a.m. nor cease later than 10:00 p.m.
- b) Uses proposing outdoor amplified sound are subject to conditional use.

- c) Liquor sales associated with the use shall conform to the requirements of Arkansas law.

4.5.3 Child Care Centers. Where permitted, a child care centers shall be subject to the following conditions:

- a) Child care centers shall comply with the licensing requirements for Child Care Centers for the State of Arkansas.
- b) No separate, freestanding building shall be located in the residential zoning districts and utilized exclusively for child care centers.

4.5.4 Child Care Family Home. Where permitted, a child care family home shall be subject to the following conditions:

- a) Child care family home shall be required to register as a Voluntary Registered Child Care Family Home under State of Arkansas law and comply with the regulations of Registered Child Care Family Homes, PUB-003 from the Department of Human Services.
- b) No accessory structure shall be used in the operation of child care family home.

4.5.5 Assembly Hall or Lodge. Where permitted, lodges or assembly halls shall be subject to the following conditions:

- a) The use shall exclude activities are providing services customarily carried on as a business.
- b) A site plan, subject to the site plan approval process, shall be required illustrating parking lot design and location.

4.5.6 Nightclub, Bar, Taproom or Similar. Where permitted, nightclubs, bars or similar uses shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.

4.5.7 Places of Worship, Small Scale. Where permitted, a small scale place of worship shall be subject to the following conditions:

- a) Buildings shall be limited to 6,000 square feet in size.
- b) Associated activities uses shall be limited to indoor assembly, including educational and child care activities, outdoor playgrounds, and support offices.

4.5.8 Places of Worship, Large Scale. Where permitted, a large scale place of worship shall be subject to the following conditions:

- a) Minimum site size shall be two acres.
- b) Buildings shall not be limited in size.
- c) Associated institutional activities and uses such as schools, child care, and recreational facilities are permitted.

4.6 COMMERCIAL RETAIL AND WHOLESALE.

4.6.1 Auto, Truck and Boat Sales. Where permitted, auto dealerships for new and used vehicles shall be subject to the following conditions:

- a) Where vehicle service and repair is proposed as accessory use to the dealership, the conditions listed in 4.7.1 shall apply.
- b) For boat and marine sales, no product may be stored or displayed within the setback abutting any street.

4.6.2 Auto Filling Station or Charging Station. Where permitted, auto filling stations shall be subject to the following conditions:

- a) The use's primary function shall be the retail sale of fuel, accessories, washing, polishing, and tune-up.
- b) All standards that apply to service stations as primary uses also apply to service stations as accessory uses.
- c) Pump areas on corner lots districts must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area.
- d) All fuel pumps shall be located a minimum of 20 feet from property lines.
- e) Storage of wrecked, partially dismantled, or inoperative vehicles is prohibited.
- f) The pump island shall be situated to provide stacking space for a minimum of one vehicle behind the vehicle parked at the pump closest to the entrance or

exit driveway without impeding onsite circulation.

- g) All elements of the pump island or canopy that are not operational shall be architecturally integrated by use of color, material, and architectural detailing.
- h) The design of pump islands shall be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
- i) All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- j) Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials.
- k) All lighting must meet the standards of this ordinance with fully recessed lighting under the canopy.

4.6.3 Liquor Store. Where permitted, a liquor store shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusively residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any permanent place of worship or any school.
- c) Liquor store shall conform to the requirements of Arkansas Law.

4.7 COMMERCIAL SERVICE.

4.7.1 Equipment Sales, Rental and Service (small scale and large scale). Where permitted, equipment sales, rental and service (small and large scale) shall be subject to the following conditions:

- a) Equipment sales, rental and service (small scale) is limited to service for personal, light duty or medium duty equipment generally rated for non-professionals and not requiring special licensing.
- b) Equipment sales, rental and service (large scale) use includes equipment generally rated for professional use or requiring special licensing.
- c) The use shall be subject to the outdoor storage and sales conditions contained in 4.3.12.

4.7.2 Greenhouses. Where permitted, greenhouses shall be subject to the following conditions:

- a) Greenhouses, hoop houses, sheds, and shelters shall have a maximum height of 15 feet, shall be setback a minimum of 10 feet from any property line.
- b) Site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent properties or into a public street.
- c) When located outdoors, compost piles must be located a minimum of 15 feet from an adjoining lot or meet accessory structure setback requirements, whichever is greater.
- d) No outdoor operations that involve power equipment shall be used between sunset and sunrise.
- e) All materials, equipment, and structures must be maintained in a neat, orderly, and sanitary condition to prevent offsite odors, dust, noise, or the attraction of rodents or other pests.

4.7.3 Job Shop, Small Scale. Where permitted, small scale job shops shall be subject to the following conditions:

- a) Buildings shall be limited to 5,000 square feet or less.
- b) Any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard
- c) Outside storage shall be subject to the provisions of 4.3.12.

4.7.4 Job Shop, Large Scale. Where permitted, large scale job shops shall be subject to the following conditions:

- a) Any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard
- b) Outside storage shall be subject to the provisions of 4.3.12.

4.7.5 Kennel. Where permitted, animal hospitals with accessory kennels shall be subject to the following conditions:

- a) Kennels with outdoor runs must be located on a minimum two-acre lot.
- b) Kennels are limited to no more than 20 runs.
- c) All exterior exercise areas and runs must be fenced for the safe confinement of animals.
- d) No animal runs shall be permitted within 200 feet of the closest portion of any adjacent residential district or legal, conforming residential use, except where the adjoining property is owned or occupied by the operator of the kennel.
- e) The use of outdoor space, including outdoor kennels or runs, shall be prohibited between 10:00 P.M. and 6:00 a.m.

4.7.6 Mini-warehouse facilities. Where permitted, mini-warehouses shall be subject to the following conditions:

- a) Site Layout
 - i. The minimum lot area shall be one acre.
 - ii. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.
- b) Operation
 - i. Commercial activity on-site shall be limited to storage, goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct sales of any kind, or to conduct any other commercial or industrial activity on the site..
 - ii. No more than one accessory dwelling may be developed on the site and shall be integrated into the building's design.
 - iii. Except as otherwise authorized in this section, all property stored on the site shall be contained entirely within enclosed buildings.
 - iv. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to between 6:00 a.m. and 10:00 p.m.
- c) Storage of Recreational Vehicles and Boats. Open storage of recreational vehicles (RVs) and boats for personal use shall be permitted within a self-service storage facility use, provided that the following

standards are met:

- i. The storage shall occur only within a designated area, which shall be clearly delineated,
 - ii. The size of the storage area shall not exceed 25 percent of the buildable area of the site,
 - iii. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high;
 - iv. Storage shall not occur within required minimum yards.
 - v. Vehicles shall be allowed on the premises overnight for storage only.
- d) Parking and Circulation
- i. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 20 feet for one-way traffic and 24 feet for two-way traffic.
 - ii. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
 - iii. At minimum, the first 60 feet of access approaches to the site shall be paved with asphalt, concrete, or comparable paving materials.
- e) Building Appearance
- i. Garage doors serving individual storage units shall be perpendicular to a street so as to not be visible from adjacent streets.
 - ii. With the exception of a the accessory dwelling, the maximum height of a self-service storage facility shall be 20 feet.
 - iii. Outdoor lighting shall be the minimum necessary for security and shall be provided in accordance with the requirements of the design standards of this code.
 - iv. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, and painting of surfaces. Colors used shall be compatible with the character of the surrounding area. Perimeter or exterior walls visible from a public street

or detached residential dwelling shall not include metal as a primary surface material.

4.7.7 Manufactured home sales and service.

Where permitted, manufactured home sales and service shall be subject to the following conditions:

- a) No merchandise may be stored or displayed within the yard setback abutting any street.
- b) The conditions of 4.3.12 shall apply as applicable.

4.7.8 Vehicle service (small scale) and vehicle repair (large scale). Where permitted, vehicle service and vehicle repair (small or large scale) shall be subject to the following conditions:

- a) Small scale vehicle service is limited to service for personal, light duty or medium duty vehicles not requiring a commercial driving license.
- b) Large scale vehicle service and repair includes service and repair of vehicles that require a commercial drivers license.
- c) The number of outside stored vehicles awaiting service or repair is limited to no more than five for small scale and 10 for large scale, or one per service bay, whichever is greater. Stored vehicles must have a current tag.
- d) Accessory junkyards including the storage of wrecked vehicles or vehicles used for parts are prohibited.
- e) All vehicles for repairs shall be screened from view by enclosing them within a building or a rear yard area. Outdoor storage must be screened by a six-foot solid screening fence or six-foot solid screen evergreen hedge along side and rear property lines.
- f) No sales of vehicles are permitted on the premises.

4.7.9 Washes, automatic and full service.

Where permitted, automatic and full service washes shall be subject to the following conditions:

- a) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

- b) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- c) Washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a conforming residential use. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a conforming residential use.

4.8 INDUSTRIAL AND WAREHOUSE USES.

4.8.1 Manufacturing and processing. Where permitted, manufacturing and processing shall be subject to the following conditions:

- a) No excessive dust, fume, noise, vibration, or other nuisance shall be detected at the property line of the site.

4.8.2 Mineral extraction, surface mining, or oil drilling. Where permitted, mineral extraction shall be subject to the following conditions:

- a) Sites shall maintain a buffer of 100 feet from adjacent properties.
- b) Haul routes shall be established and shall not traverse a residential zone.
- c) Hours of operations shall be limited to that established in the approval process.
- d) No excessive dust, fume, noise, vibration, or other nuisance shall be detected at the property line of the site.

4.9 PUBLIC, INSTITUTIONAL, PROFESSIONAL, COMMUNITY.

4.9.1 Animal clinic with accessory kennel.

Where permitted, animal hospitals with accessory kennels shall be subject to the following conditions:

- a) Kennels with outdoor runs must be located on a minimum one-acre lot.
- b) Kennels are limited to no more than 20 runs.
- c) All exterior exercise areas and runs must be fenced for the safe confinement of animals.
- d) No animal runs shall be permitted within 200 feet of the closest portion of any adjacent residential district or legal,

conforming residential use, except where the adjoining property is owned or occupied by the operator of the kennel.

- e) The use of outdoor space, including outdoor kennels or runs, shall be prohibited between 10:00 P.M. and 6:00 A.M.

4.10 RESIDENTIAL USES.

4.10.1 Dwelling, Accessory. Where permitted, accessory dwellings shall be subject to the following conditions:

- a) An accessory dwelling unit may be attached, detached, or internal to the single-family dwelling on a lot or parcel
- b) If the accessory dwelling unit is detached from or attached to the single-family dwelling, it shall not be more than seventy-five percent (75%) of the gross floor area of the single-family dwelling or one thousand square feet (1,000 sq. ft.), whichever is less.
- c) The accessory dwelling must be a complete living space with kitchen and bathroom facilities.
- d) No more than two persons may reside in an accessory dwelling unit.
- e) The accessory dwelling may be accessory only to a detached single-family dwelling and not more than one such dwelling shall be allowed per principal dwelling.
- f) All accessory dwelling units shall conform to the applicable side and rear setback requirements of this code for accessory structures. They shall also conform to all use, design and landscaping standards applicable to the primary dwelling and structure except that where accessed by an alley, the structure may be located 15 feet from the rear property line.
- g) When an existing legal and conforming accessory structure is being converted into an ADU, the new ADU must meet all applicable building and fire code requirements.
- h) If attached to an accessory structure, the accessory dwelling must be in the rear yard and meet the side and rear yard requirements of the district.
- i) The accessory dwelling shall not be separately metered unless required by the electric utility provider.
- j) The Planning Department shall keep a

record of all approved Accessory Dwelling Unit permits.

4.10.2 Dwelling, duplexes. Where permitted, duplexes shall be subject to the following conditions:

- a) Duplexes dwellings must have an architectural appearance and massing like a large single family home common to the neighborhood in which they are located.
- b) The main entrance to an attached dwelling unit shall be directly accessed from and face the street. Second story units may be accessed through the main entrance or by an exterior stairway that does not face a public street.
- c) Units shall be located on corner lots at the end of a block shorter than 800 feet as an "end cap unit".
- d) On blocks longer than 800 feet units may be placed in any position along the block as a "midblock unit"
- e) End cap units shall present a primary entrance to each street.
- f) Midblock units shall present primary entrances facing the street.
- g) Roofs shall exhibit roof pitches of not less than 5/12.
- h) Exterior unit design shall be compatible with the predominant characteristics of the neighborhood. Units shall be designed as visually compatible with the architectural style of the original homes native to the neighborhood in terms of exterior features such as porches, scale, and roof pitches.
- i) Parking areas shall consist of paved drives no wider than 20 feet and extending from the street to 18 feet beyond the front facade
- j) A site plan and building elevations shall be submitted to demonstrate compliance with all applicable standards.
- k) Trash and recycling receptacles must be located on a portion of the lot not visible from the public street.

4.10.3 Dwelling, Multiple-family. Where permitted, multiple-family shall be subject to the following conditions:

- a) Trash and recycling receptacles must be located on portions of the site not visible

from the public street and screened from dwelling units on at least three sides.

- b) On infill development sites in residential districts or when abutting an established residential area sharing a public street, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.
- c) Site design. Site designs shall create a sense of "neighborhood" and shall meet all the following requirements.
 - i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. In no case shall rear garages and rear facades face primary streets.
 - ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residential street system.
 - iii. Parking lots shall be located behind or under buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district of lower density.
 - iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
 - v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located when provided.
- d) Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting a residential district.

4.10.4 Dwelling, Townhome. Where permitted, townhomes shall be subject to the following conditions:

- a) Townhomes shall have no more than six contiguous attached units built in a row.
- b) Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear

property lines abutting a residential district.

4.10.5 Dwelling, zero lot-line. Where permitted, these dwellings shall be subject to the following conditions:

- a) Where adjacent dwellings are not constructed against a common lot line, the developer must provide a perpetual wall maintenance easement measuring five feet along the adjacent lot and parallel with such wall. In no case may a zero lot line dwelling be built closer than 10 feet to the lot line of a lot zoned in a different residential district.
- b) No window or door openings shall be permitted along the exterior wall of the structure facing a side yard.
- c) Rooflines may not overhang the property line.

4.10.6 Dwelling, Upper floor. Where permitted, upper floor dwellings shall be subject to the following conditions:

- a) Residential uses may not be combined with any other use on the same floor.
- b) Residential uses may not be located on the pedestrian level except to the rear of a building and must have at least one separate exterior entrance.
- c) No non-residential uses shall be located on any floor above a residential use.
- d) Each residential dwelling unit shall have adequate light by providing at least two exterior walls with at least one window in each exterior wall.

4.10.7 Manufactured Homes. Where permitted, manufactured homes shall be subject to the following conditions:

- a) Each manufactured home shall have the space between the floor and adjacent grade covered, or screened, with material matching the exterior finish or alternative material as approved.
- b) The exterior finish of all manufactured homes shall be of an approved siding material.
- c) Each manufactured home shall have a roof pitch of at least 4/12.

4.10.8 Manufactured Home Parks. Where permitted, manufactured home parks shall be subject to the following conditions:

- a) **Pads, Foundations, and Anchors.**

- i. A manufactured home site or pad shall be well drained, uniformly graded and compacted as approved by the Building Official.
 - ii. Foundations and anchor systems shall be installed according to State Law. Every manufactured home shall be installed in accordance with the manufacturer's "owner's manual" or at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act and the rules and regulations of the State of Arkansas.
- b) **Uses and Accessory Uses.** Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, are permitted provided structures do not constitute over 10 percent of the total site area of the park, and that they be exclusively for the use of the residents of the manufactured home park. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park or subdivision
- c) **Traffic Circulation.**
- i. Vehicular access to the manufactured home park shall be provided by means of an abutting public street. Each development shall be provided with one or more major interior thoroughfares for complete and uninterrupted traffic circulation within its boundaries. These major thoroughfares shall be directly related or connected to the major point or points of ingress and egress. Minor streets may extend from the major thoroughfares. On-street parking is prohibited. The following minimum requirements shall apply to major thoroughfares:
 - a. For developments designed to accommodate 40 sites or more: 24 feet wide paved driving surface with curbing.
 - b. For developments designed to accommodate less than 40 sites: 22 feet wide paved driving surface.
 - c. Minor streets shall be those streets serving a minimum number of sites, clusters of sites, cul-de-sacs, parking bays, or similarly arranged manufactured homes within the overall plan. Minor streets shall be provided with a 20 feet wide paved driving surface with curbing.
 - d. Cul-de-sacs shall have a minimum diameter of 90 feet with a minimum paved driving surface of 20 feet width and curbing.
 - ii. All streets shall be constructed to meet the minimum requirements of the Subdivision Regulations of the City and amendments thereof, except minimum widths as specified herein shall apply.
 - iii. Parking shall be off-street and in parking stalls or bays of 10 feet by 20 minimum. Two off-street parking spaces shall be provided for each manufactured home.
- d) **Open Space and Recreational Areas.**
- i. A minimum of 10 percent of the gross manufactured home park area shall be set aside and developed as common use areas for open or enclosed recreational facilities.
 - ii. No street, storage area, manufactured home lot or utility site shall be included in meeting recreational purposes.
 - iii. No area to be computed as recreation space shall have a dimension less than 20 feet measured in any direction.
- e) **Setbacks and Screening.** Each manufactured home park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purpose:
- i. Minimum park front setback. 30 feet, except when the park abuts a designated major thoroughfare, then the minimum shall be 50 feet.
 - ii. Minimum side setback. When abutting residential districts, the side setback shall be 25 feet; when abutting a dedicated public right-of-way, the side setback shall be 30 feet on the side street; when abutting a designated major thoroughfare, the minimum shall be 50 feet; when abutting any other zoning district, the side setback shall be 25 feet along the interior lot line.
 - iii. Minimum park rear setback. 25 feet, except when the rear yard abuts a dedicated public right-of-way, the

minimum shall be 30 feet. If the rear yard abuts a designated major thoroughfare, the minimum rear setback shall be 50 feet.

- iv. Where needed to enhance aesthetics or to ensure public safety, the park grounds shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs approved by the Planning Commission which will complement the landscape and ensure compatibility with the adjacent environment.
- v. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park or subdivision.
- f) **Utilities.** All utility systems shall be in compliance with the codes and the City of Paragould governing the same.
- g) **Lighting.** Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use. Exterior illumination shall be provided as follows:
 - a. Streets. An average illumination level of six tenths (0.6) of a foot-candle and a minimum level one-tenth (0.10) of a foot-candle.
 - b. Service Buildings. Illumination levels at least five foot-candles shall be maintained at the entrance.
- h) **Swimming Facilities.** If provided, such facilities shall be designed in accordance with the codes of the City of Paragould governing the same and applicable regulations of the State of Arkansas.
- i) **Refuse Disposal.**
 - i. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
 - ii. A dumpster shall be provided at each service building, or at a central storage area readily accessible and located not more than 300 feet from any lot unless provided at the lot.
 - iii. All solid waste generated by a

manufactured home park shall be stored and disposed of in accordance with the Arkansas regulations governing solid waste management.

- j) **Fire Protection.** All manufactured home parks shall have fire hydrants connected to six-inch water mains and located within 500 feet of every manufactured home lot or space. The required five-hundred-foot distance is measured along the street or drive areas or otherwise to the specific hose layout per fire department requirements.
- k) **Service Buildings.** Management headquarters, recreational facilities, coin-operated laundry facilities, service buildings and other buildings and other accessory structures permitted by the Planning Commission are allowed as accessory uses to the park.
 - i. Service buildings shall include space and separation for a park manager's office, storage and maintenance equipment and supplies and recreational management.
 - ii. Service buildings space shall also be provided for tenant active storage of outdoor equipment, furniture and tools and for inactive storage of such material as is used only seasonally or infrequently.
 - iii. A minimum of 150 cubic feet for general storage for each manufactured home and/or manufactured home lot shall be provided on the lot or within 100 feet of the lot.
 - iv. Storage facilities shall be constructed of suitable weather-resistant materials.
 - v. No service building shall be located closer than five feet to any manufactured home or other structure and shall not be placed over any collector sewer or sewage disposal facility.
 - vi. The accessory uses and structures are intended to serve only the residents of the park.
- l) **Walking Areas, Patios, Decks, Etc.** A walking area such as a patio, deck, etc., shall be placed in front of the manufactured home and/or mobile home entrance. The walking area shall be constructed of concrete or other suitable material as approved by the Planning Commission and

shall be a minimum of eight feet wide by ten feet long. If desired, an awning or other cover may be provided for the walking area and/or other cover must be attached to the manufactured home and/or mobile home and shall not be enclosed on the sides. In regard to yard setback requirements, except for the yard on the street side, this cover shall not be considered as a structure.

m) **Exterior Appearance of Manufactured Homes.** Each manufactured home shall comply with the following requirements for exterior appearance:

- i. Each manufactured home shall have the space between the bottom of the exterior walls and the ground covered, or screened, with material which matches the exterior finish of the manufactured home, or a heavier material in appearance.
- ii. The exterior finish of all manufactured homes shall be of an approved siding material.
- iii. Each manufactured home shall have a roof pitch of at least 4/12.

4.11 UTILITY USES AND STRUCTURES.

4.11.1 **Telecommunication Facility.** Where permitted, telecommunication facilities shall be subject to the following conditions:

a) **Review factors**

- i. Height of the proposed tower or antenna;
- ii. Proximity of the tower to residential structures and residential district boundaries;
- iii. Technical or engineering requirements limiting placement of the tower in other areas in order to provide coverage;
- iv. Nature of uses on adjacent and nearby properties;
- v. Surrounding topography, tree coverage and foliage;
- vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- vii. Availability of suitable existing towers and other structures; and

- viii. Use of stealth features designed to disguise such towers or to otherwise cause them to be less visible.

b) **Performance Standards and Requirements.**

Applicants for permits for the placement of telecommunication towers within the City of Paragould shall produce certificates from qualified Arkansas registered engineers or architects indicating that proposed towers are designed so as to meet minimum requirements for wind load characteristics as defined by the adopted building code, FAA and/or FCC regulations, and other generally accepted standards designed to assure public safety and well-being as well as protection of the aesthetic environment.

- i. **Co-Location Requirements with Existing Towers or Other Structures.** Co-location or placement of additional antenna on existing previously approved or grandfathered towers shall be authorized by the Director subject to compliance with applicable conditions set forth herein. Preferences, therefore, are authorized herewith for the installation of such facilities provided that the addition or co-location does not result in further violations of existing regulations by preexisting non-conforming structures. All new towers erected, constructed, or located within the City shall comply with the following requirements:
- ii. Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- iii. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Director that no existing tower or other structure can accommodate the applicant's proposed antenna within a one-mile search radius (one-half mile for towers under 120 feet in height,

one-quarter mile for towers under 80 feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
 - c. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - e. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable;
 - f. Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need;
 - g. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- iv. Any evidence submitted to the Director in order to meet the requirements of paragraph b) Performance Standards and Requirements, shall be documented by a qualified and licensed professional engineer.
- c) **Tower Construction Requirements.**

All towers erected, constructed, or located within the City, and all wiring therefor, shall comply with the requirements set forth by any and all applicable building codes.

- i. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design. The use of guyed wires is prohibited.
- ii. Towers shall be of a monopole design unless the Director determines that an alternative design would better blend in to the surrounding environment.
- iii. Tower Setbacks. Notwithstanding any other provision of this ordinance, if the Director and the City Council determine that the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line supports, athletic field lighting supports or other similar structure does not compromise the aesthetic appearance of the property, setback requirements may be waived under Section 9.9.
- iv. Tower Lighting. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets, or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas. Lighting shall comply with the design standards of this code. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required.
- v. Signs and Advertising. Towers shall not display signs or advertisements

for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and/or unless required by any federal or state regulations.

- vi. Accessory Utility Buildings and Screening. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to ensure that the attractiveness and the aesthetic quality of the area is not adversely impacted. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractors' offices, etc., if requested, shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.
- vii. Abandoned or Unused Towers. All abandoned, unused or obsolete towers and accompanying accessory facilities shall be removed by the property owner within six (6) months of cessation of use. In the event that a tower and its associated facilities are not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- viii. Proof of Non-Interference. Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, and public safety communications devices or other services enjoyed by adjacent residential and non-residential properties. In the event only a preliminary statement is submitted with the application, a final certified statement of noninterference will be provided and approved prior to issuance of a building permit. The certificate shall be certified by a licensed engineer.
- ix. Radio Frequency Emissions. Each application must show that any antennae placed on the tower meets state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new or more restrictive standards are adopted, then the antennae shall be made to comply or continued operation may be restricted.
- x. Spacing. Tower locations may not be closer than one-quarter (¼) of a mile.
- xi. Indemnity: Claim Resolution. The owner of the tower and all communications service providers must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Director a written indemnification of the City of Paragould and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the City, in form approved by the City's Attorney.

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ARTICLE

5

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ARTICLE 5 - BUILDING, SITE, AND DESIGN STANDARDS

5.1 PURPOSE OF BUILDING, SITE, AND DESIGN STANDARDS.

5.1.1 The purpose of the building, site, and design standards is to make certain the exterior of all new construction and building additions are of high design quality, long-lasting, sustainable and consistent with sound design practice in both existing and newly developing areas. Building and site design and use of materials for the construction of any building shall be subject to the approval of the Administrative Site and Design Review Committee under the procedure of Section 9.9.

5.1.2 These standards are intended to enhance the visual aspect and livability of the entire city. These standards will foster quality site design, architectural diversity, and visual interest in order to achieve a consistent, sustainable, and high quality built environment.

5.2 APPLICABILITY.

5.2.1 Generally.

The following building, site, and design standards shall be applied by zoning district according to Table 5.1, Building, Site, and Design Standards with the following exceptions:

- a) Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites,
- b) All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building,
- c) Construction or alteration necessary for the compliance with a lawful order of the city, Fire, Police, or Public Works Departments related to immediate public health or safety,
- d) Any interior alterations, repairs, or renovation which do not change the principal use of the structure, or
- e) Demolition or wrecking, repair, construction, reconstruction, alteration,

rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district approved by the Historic Preservation Commission.

5.2.2 Relation to Overlay Districts. These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district.

5.3 ORGANIZATIONAL PRINCIPLES AND DESIGN STANDARDS TABLE.

The development standards are organized in Table 5.1. The symbol "☐" means that the standard is required and compliance shall be determined by the Department of Planning and Development. The symbol "s" means that the standard is not required. Standards are divided into the following major building and construction elements.

- i. Parking and Traffic Circulation
- ii. Pedestrian Circulation
- iii. Site Lighting and Building Illumination
- iv. Building Form and Materials
- v. Accessory Uses and Equipment.
- vi. Landscaping

Table 5.1. Building, Site, and Design Standards

Standard		Zone																
■ = Required ◆ = Not required		AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD	
5.4 PARKING AND TRAFFIC CIRCULATION																		
5.4.1 Street Access and Curb Cuts.																		
a) Curb cuts shall be located at least 75 feet from the intersection of two streets (measured from the end of the radius nearest the proposed cut). Where the width of the site is less than 75 feet, the curb cut shall be placed as far as possible from the street intersection. (See Illustration 5.5.1)																		
 Illustration 5.5.1		◆	◆	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■	■	
b) Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line. (See Illustration 5.5.2)		◆	◆	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■	■	
c) Curb cuts shall be located directly opposite one another or otherwise separated by a minimum of 150 feet.		◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	◆	◆	■	■	■	
d) Curb cuts shall be limited to 1 per 200 feet of street frontage. Parcels with less than 200 feet of frontage shall be limited to one curb cut per street frontage.		◆	◆	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■	■	
5.4.2 Parking Lot and Driveway Entrances.																		
a) Site entrances and exits shall be located such that parking spaces and traffic aisles do not conflict with entering and exiting traffic. (See Illustration 5.5.2)																		
 Illustration 5.5.2		◆	◆	◆	◆	■	■	■	■	■	■	■	■	◆	◆	■	■	■
b)																		

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
c) One-way entrances or curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
d) Two-way entrances shall be a maximum of 24 feet wide.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■
e) Three-way entrances shall be a maximum of 36 feet wide.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■
f) Shared driveways are encouraged.	■	■	■	■	■	■	■	■	■	■	■	■	■	♦	♦	■
5.4.3 Interior Design of Parking Lots.																
a) Vehicular and pedestrian cross access to adjacent properties in new development contexts is required and is encouraged by mutual consent of owners.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■
b) The number of parking spaces shall conform to Article 6.	■	■	■	■	■	■	■	■	■	■	■	♦	♦	■	■	■
c) Parking areas shall be designed to prevent vehicles from backing into an adjacent public street.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■	■
d) Parking spaces shall be delineated by white pavement striping unless otherwise required by ADA.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	♦	■
e) Emergency vehicle access, fire lanes, and rear access shall be provided in accordance with the currently adopted fire code.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Parking and loading areas shall be constructed with permanent concrete curb designed to permit low impact stormwater treatment as approved by the City Engineer. Landscaped areas subject to vehicle encroachment shall be protected by an anchored, cement wheel stop anchored and set a minimum of 30 inches back from the edge of pavement.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
g) A landscaped island at least 8 feet wide and 15 feet in length shall be installed for each 100 lineal feet of parking area and shall cap ends of parking rows. Islands shall be landscaped in accordance with the landscape standards of this code. (See Illustration 5.5.3). However, curbs may allow for waterflow into the island as bioretention, infiltration consistent with LID practices.																

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
Illustration 5.5.3 	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	■	♦	♦	■
h) Loading docks and truck parking shall be positioned, or screened, so as to not be visible from a public street.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■
5.5 PEDESTRIAN CIRCULATION.																
5.5.1 External Site Circulation.																
a) Sidewalks shall be provided along all public streets of a development site and connect to any existing adjacent sidewalk. Minimum sidewalk width is five feet. Additional width may be required.	♦	♦	■	■	■	■	■	■	■	■	■	■	■	♦	♦	■
b) Sidewalks shall be ADA complaint.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
c) Sidewalks shall be constructed at least five feet behind the curb to allow for landscaping, bioretention, and street trees.	■	■	■	■	■	■	■	■	■	■	■	■	■	♦	♦	■
d) Sidewalks shall be broom finished concrete. Asphalt is prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
e) Crosswalks shall be provided to connect external pedestrian systems to a site, safely conveying pedestrians to site destination.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.2 Internal Site Circulation																
a) Internal pedestrian circulation shall be provided creating an interconnected pathway connecting adjacent streets and parking areas to the destination.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
b) Internal crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface, but conforming to the overall color scheme of the development.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
5.6 SITE LIGHTING AND BUILDING ILLUMINATION.																
5.6.1 Lighting and Illumination Generally.																
a) Low-intensity luminaries and fixtures, public street luminaries, emergency lighting, nonconforming fixtures, and fossil-fuel light, are be exempt from this section.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Mercury-vapor fixtures and lamps, laser source light, and searchlights for advertising purposes are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
c) Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of 3 foot-candles diminishing to zero at the site boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
d) Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property. (See Illustration 5.6.1)	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■	■	■
e) Unless othrwise exempt, no light shall be emitted skyward above a lighting sheild or shade.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
f) No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
g) No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
h) Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Table 5.1. Building, Site, and Design Standards

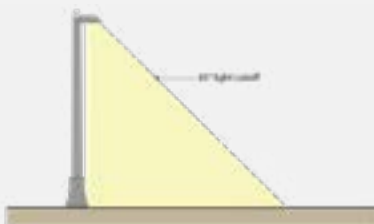
Standard		Zone																
■ = Required		AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD	
♦ = Not required																		
5.6.2 Luminaries																		
a) Pole mounted luminaries shall be full cut-off with shields, reflectors, or refractor panels to direct and cut-off emitted light at 45 degrees or less. (See Illustration 5.6.2)																		
Illustration 5.6.1																		
		♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■	■
b) Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at a 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent).		♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■	■
5.6.3 Mounting.																		
a) Poles in commercial and multiple-family developments, whether mounted upon a building or upon a light standard, shall not exceed 25 feet in height.		♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■	■
b) Lighting fixtures within industrial developments shall not exceed the height of the roof line of the associated building.		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	■	■	♦	♦
5.7 BUILDING FORM AND MATERIALS.																		
5.7.1 Form and Composition.																		
a) When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping. (See illustration 5.7.1)																		
Illustration 5.7.1																		
		♦	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	♦	♦	■
b) Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.		♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards

Standard		Zone																
■ = Required ♦ = Not required		AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD	
c) Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved, buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.		♦	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	♦	♦	■	
d) False or stage-set facades are prohibited. Similar materials and colors used on the street façade shall be used to the sides and rear of the building where visible from a street right-of-way or adjacent residence. (See illustration 5.7.2)																		
		♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■	
e) The maximum, unbroken facade plane shall be 60 feet and should be interrupted by projections, recesses, portals, courtyards, plazas, or other architectural design. Facade plane breaks shall have a minimum depth of six inches (See illustrations 5.7.3 and 5.7.4 for appropriate example).																		
		♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■	
f) No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building as a primary surface material or mansard. Alternatives of equal or better quality may be considered. (See illustration 5.7.4)																		
		♦	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
g) Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■
h) Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among brick, cementitious stucco, stone, vinyl, vertical board and batten (wood or metal), wood or cementitious siding and approved architectural concrete masonry unit. EFIS may only be used in banding, decorator strips, cornice lines and wall capping. Alternantive materials may be approved by the Planning Director if detemined to be of equal or better quality and design appearance.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■
i) The exterior building finish of two-family and multi-family dwelling units shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦
j) Parking on site should be visually subordinate to the residential character of the street.	■	■	■	■	■	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦
k) Garages, carports, outbuildings, etc., shall not extend beyond the front facade of a dwelling by more than 10 feet.	♦	♦	■	■	■	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦

5.7.2 Roof Design and Materials

a) All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	♦	♦	■
b) Drive-under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
c) Mansard roofs shall have a maximum pitch of 12:12 with a minimum of 12 foot vertical surface length.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■
d) All buildings with flat roofs should include parapet articulation on the front façades of such building. The parapet articulation should coincide with any roof articulation that may be a part of the roof design.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■
e) Pitched roofs, as a primary roof form, shall have a slope not less than 5/12. Porches shall be sloped not less than 3/12. (See Illustration 5.7.5)																
Illustration 5.7.5 	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	♦	♦	■
f) Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■
5.7.3 Design Detail																
a) Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall consist of subtle, neutral, or earth tones or of a coastal color palette.	♦	♦	♦	♦	♦			■	■	■			■	♦	♦	■
b) Walls that can be seen from an arterial or collector street shall be treated as a building façade.	♦	♦	♦	♦	♦			■	■	■			■	♦	♦	■
c) No less than 40% of the horizontal distance of any building front entrance shall be designed with arcades, windows, entrances, awnings, or similar features. (See Illustration 5.7.6)																
 Illustration 5.8.1	♦	♦	♦	♦	♦			■	■	■			■	♦	♦	■

Illustration 5.8.1

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ◆ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
d) Retail facades shall be glazed with clear glass no less than 40% of the first story. Other uses may provide the authentic appearance of such transparency.	◆	◆	◆	◆	◆	◆	◆	■	■	■	◆	■	■	◆	◆	■
5.8 ACCESSORY USES AND EQUIPMENT.																
5.8.1 Fences.																
a) Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Fences and walls shall be constructed such that the “finished” part of the fence or wall is located toward and facing the exterior of the property. (See Illustration 5.8.1)																
Illustration 5.8.1 	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
c) Barbed wire, woven wire or electrical fencing are prohibited except in agricultural applications.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
d) Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
e) Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Chain link fencing shall not expose its metallic surface and be vinyl coated in green, brown, or black.	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■	◆	◆	■
g) The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.8.2 Mechanical Equipment																
a) Ground mounted mechanical, HVAC, and like systems shall be screened from public street view by an opaque wall or fence of similar material to that of the principal building or landscaping.	◆	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■	■	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
b) All building roof-mounted mechanical, HVAC, and like systems shall be screened from public street view on all sides except where grades make this infeasible, in which case screen shall obscure equipment views to a distance of 75 feet from the building.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
5.8.3 Walls.																
a) Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Retaining walls more than three feet in height shall only be constructed of split-faced concrete block, modular block keystone systems, or poured-in place concrete with a decorative face.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.8.4 Outside Storage and Waste Collection Facilities.																
a) Masonry walls and buildings, or a combination thereof, shall be used to screen outside storage areas and waste collection facilities. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is prohibited.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	×	■
b) Trash containers, oil and grease containers must be visually screened on all sides including gates. Combinations of berming, landscaping, walls, fences and buildings shall be used to screen containers and enclosures.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
c) All dumpsters shall be screened from sight by a fence or wall at least six inches taller than the tallest point on the dumpster. Maximum height is eight feet.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
d) Dumpster fencing shall be constructed of an opaque material made of brick, stucco, split face block, wood, vinyl, or similar material to that of the principal building. Chain-link or chain-link with vinyl slats is prohibited.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
e) Wash down areas, where required, shall be appropriatley drained.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone															
■ = Required ♦ = Not required	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	M-1	M-2	PUD
f) Dumpster containers shall be located to the side or rear of principal structures.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■
g) Dumpster containers shall be sited to avoid conflict with vehicular and pedestrian movement.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■	■	■
h) All activities related to non-residential material management, including deliveries and removal, and non-residential waste removal shall be conducted fully onsite and shall not involve the use of public streets for vehicle parking or maneuvering.	♦	♦	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■
5.9 LANDSCAPING.																
5.9.1 Interior Site Landscaping.																
a) There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands 50 percent of this space to be devoted to Low Impact Design features.	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	♦	♦	■
b) Parking lot islands shall contain a minimum of one large, shade or canopy tree per island except where low impact design features are incorporated, in which case 50% of the islands shall contain required planting. Parking islands directly abutting buildings shall substitute shrub plantings.	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	♦	♦	■
c) Landscaped areas shall be covered by at least 75 percent grass or organic ground cover. Low impact design components may substitute for traditional ground coverings. Planting shall be established prior to building occupancy.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■	♦	♦	■
5.9.2 Perimeter Site Landscaping.																
a) A planted verge of at least 10 feet in width shall be established on a site perimeter. Planting shall consist of at least one deciduous tree sized at two inches in caliper (DBH) per 60 feet of perimeter. Low impact design components shall be established at site discharge points.	♦	♦	♦	♦	♦	■	■	■	■	■	■	♦	♦	■	■	■

ARTICLE 6

IN THIS ARTICLE:

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ARTICLE 6 - OFF-STREET PARKING AND LOADING

6.1 GENERAL PROVISIONS.

The off-street parking and loading requirements hereinafter set forth in this Article supplement the district regulations for each of the districts, pursuant to this Ordinance. In no case is parking authorized on any private or public areas not specifically designed or designated for parking. This includes residential yards, median areas, and roadways.

6.1.1 Procedure. An application for a building permit for a new or enlarged building, structure or use shall include a plot plan drawn to scale and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this ordinance.

6.1.2 Extent of Control. All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall comply with the off-street parking and loading requirements of this ordinance.

6.1.3 Parking and Storage of Certain Vehicles or Equipment in Residential Zones.

Within the various residential zoning districts for the City of Paragould, the following restrictions and limitations on the parking of recreational vehicles, trailers, equipment and the like, shall apply.

- a) The following vehicles are prohibited from being parked in a residential zoning district for more than a 12 hour period:
 - i. All vehicles that have a dump-type bed.
 - ii. All motorized construction equipment.
- b) The following vehicles shall be parked extending no further than 10 feet beyond the front line of an existing house:
 - i. Lawn maintenance equipment.
 - ii. All trailers used to transport equipment or construction vehicle parked for more than 24 hours.
- c) If screened from adjacent property, screening utilized shall conform to the following:

- i. Materials utilized for the screen shall be similar to the exterior materials of the primary structure or permitted materials for fences.
 - ii. In no case shall the following materials be utilized for the required screen: tarpaulin, bed linens or similar, tin or sheet metal, vinyl slatted chain-link or wire mesh, wood sheeting, plastic or vinyl sheeting, or other materials which would detract from the neighborhood.
 - iii. Landscape plantings may be utilized to as screening material.
- d) Major recreational equipment, including but not limited to, travel trailers, campers or camper trucks, coaches, motorized dwellings, or similar equipment, shall not be parked or stored in a driveway or parking area, except for a reasonable amount of time as may be required to load or unload personal property at a residence prior to or after use. Guests of a property owner may be permitted to park recreational equipment for a period not exceeding seven days, provided no portion of the equipment extends into the road right-of-way or sidewalks, if present.
- e) Parking of any vehicle in a front yard, except on paved driveway, is prohibited.

6.1.4 Location of Parking Areas.

- a) Off-street parking facilities shall be provided on the same lot or parcel of land as the primary building being served, or on a separate lot or parcel of land not over 500 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land is located in the same district as the principal permitted use or lesser restricted district.
- b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.

6.2 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

6.2.1 Minimum and Maximum Requirement.

- a) Each use established, enlarged, or altered

in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 6.1, at a minimum.

- b) The maximum number of spaces provided shall not exceed 10 percent of the minimum, except for dwellings.
- c) Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed as determined by the Director.
- d) Where a proposed activity includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
- e) Where the computation of required parking spaces results in a fractional number, the fraction of 0.5 or more shall be counted as one.

6.2.2 Parking for Disabled Persons Required.

- a) In each parking lot a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed for use by persons with disabilities. The number of spaces is found in Table 6.2.
- b) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van accessible spaces shall be marked with an additional sign.
- c) Parking spaces designated for persons with disabilities shall be located on the shortest possible circulation route to an accessible entrance to the building. In separate parking structures or lots which do not serve a particular building, parking spaces for disabled persons shall be located on the shortest possible pedestrian route to an accessible pedestrian entrance of the parking facility.
- d) Accessible parking spaces shall be included as parking spaces satisfying the requirements for off-street parking.
- e) One space in every eight spaces shall be van accessible, but not less than one.
- f) Accessible parking spaces shall not be less than 9 feet by 18 feet with a minimum

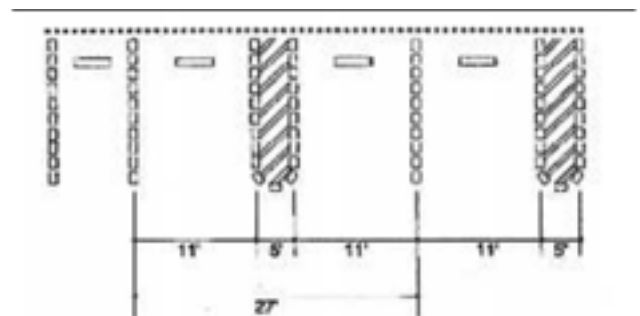
5-foot-wide access aisle. Universal parking spaces 11 feet wide with an adjacent 5-foot access aisle may be used to satisfy the requirement for accessible parking including van accessible parking spaces. See Figure 6.1.

6.3 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES.

6.3.1 Existing Parking. Structures and uses in existence at the effective date of this ordinance shall not be subject to the requirements of this Article provided that the use is not changed and that any parking facility now serving such structures or uses shall not be reduced to an amount less than that required by this ordinance.

6.3.2 Change in Use.

- a) When a building or structure shall change by decrease in dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified for required off-street parking or loading facilities, and a decrease results in a requirement for fewer off-street parking or loading spaces, facilities may be reduced accordingly, provided that facilities remaining would equal or exceed the parking or loading requirements after modification.
- b) When a building or structure shall increase in the number of dwelling units, gross floor area, seating capacity, or other unit measurement specified herein for required off-street parking or loading facilities, and when said increase would result in



Accommodates Accessible Parking Requirement and Vans

Figure 6.1

Table 6.1. General Off-Street Parking Requirements

Dwelling, one-family	2 spaces per dwelling unit
Dwelling, two-family	
Dwelling, multi-family	
Barber and Beauty Shop	1.5 space per chair
Bowling Alleys, Recreation Centers, Swimming Pools, Skating Rinks, and other Recreation and Amusement Facilities	1 space per 5 customers at maximum service capacity; 1 space per 2 employees
Club Houses And Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor, and Similar Organizations	1 space per 4 seats
Group living quarters, nursing homes	1 space per 4 beds occupied at maximum capacity
Assisted living facilities	1/2 space per room or living unit
Food stores, convenience stores, fuel stations	1 space per 300 square feet of retail space
Funeral homes	1 space per business vehicle; 1 space per 2 employees; 1 space 4 seats in auditorium/chapel
Hospital	1/2 space per bed and 1 space per 3 employees
Industrial facilities	1 space per business vehicle and 1 space per 1.5 employees at maximum shift
Libraries, museums, post offices, and other civic uses	1 space per 2,000 of floor area and 1 space per 4 seats (if included)
Medical and dental offices and clinics	1 space per examining room and 1 space per employee
Offices	3 spaces per 1,000 sq. ft.
Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments	2 spaces per 1,000 sq. ft. excluding storage areas
Restaurants, without drive-thru	1 space per 4 seats
Restaurants, with drive-thru or drive-in	1 space per 4 seats; and one 9' x 50' on-site lane. Queuing into public streets is prohibited.
Retail, Indoor	1 space per 350 sq. ft. of retail sales area
Retail, Outdoor	2 spaces per employee and 1 space per 2000 square feet of retail good on display
School, elementary public and private and day care centers	1 space per employee and 1 space per classroom
School, middle	1 space per 4 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium or 1 space per employee and 1.5 space per classroom whichever is greater
School, senior high	1 space per 4 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium; or 1 space per employee and 2 space per classroom
Self-service laundries	1 space per 2 washing machines
Vehicle Repair Facilities	1 space per employee on the maximum shift and 2 spaces per service bay
Theaters, auditoriums, churches, civic centers, stadiums, and other places of public assembly	1 space per 3 4 seats available at maximum capacity in the largest room or hall in the building
Motel or Hotel	1 space per sleeping room and additional parking to conform to parking requirement for other uses on premises
Transportation terminals	1 space per 200 sq. ft. of waiting area
Universities, colleges, academies, and Similar institutions of higher learning	1 space per 4 seats in assembly hall, auditorium, stadium, or gymnasium or 1 space per regular employee and 10 spaces per classroom whichever is greater

Warehouses, freight terminals, and trucking terminals	1.5 spaces per employee and 1 space per 400 sq. ft. office area
Wholesale sales	1.5 spaces per employee and 1 space per 400 sq. ft. office area

Table 6.2. - Required Parking for Disabled Persons		
Total Spaces	Disabled Persons Space Requirement	Van Accessible Spaces
1—25	1	1
26—50	2	1
51—75	3	1
76—100	4	1
101—150	5	1
151—200	6	1
201—300	7	1
301—400	8	1
401—500	9	2
501—1,000	2% of total	3
1,001 and over	20 + 1 for each 100 over 1,000	1 in 8 of all accessible spaces

an increase in required off-street parking or loading spaces, parking and loading facilities shall be increased accordingly.

6.3.3 Conflict with Other Uses. No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

6.3.4 Joint Use. Off-street parking facilities for different buildings, structures or uses, or for mixed-uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use and not more than 300 feet from the lot on which the main building is located.

6.4 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES.

6.4.1 General Requirements.

- Parking facilities shall be designed to conform to Table 6.3.
- Parking facility shall be designed so as not to constitute a nuisance, hazard, or

unreasonable impediment to traffic.

- Every parking area shall be arranged for orderly, safe movement.
- Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single-family or two-family dwelling, a valet parking lot not open for public parking, or attendant directed parking.
- Surfacing of all parking facilities shall be concrete, asphaltic concrete, or asphalt and all parking facilities shall be properly graded for drainage and maintained in a good condition, free of weeds, dust, trash and debris, potholes or other surface failures. Pervious pavement or pervious pavement systems are permitted subject to the provisions of section 6.4.2.
- Wheel guards may be provided and so located that no part of a parked vehicle will extend beyond the parking facility.
- Parking spaces shall not be used for the sale, repair or dismantling, storage of any vehicles, equipment, materials, or supplies.

- h) Parking facilities on more than one level (multiple-level) shall be designed in accord with those standards set out herein for grade-level parking facilities insofar as they are reasonably applicable. The design of such a multiple-level facility shall be subject to approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians' ingress and egress, and other characteristics affecting safety and convenience.
- i) All parking spaces shall be properly marked by durable white paint in stripes a minimum of four inches wide and extending the length of the parking space.

6.4.2 Pervious pavement or pervious

pavement systems. Pervious pavement or pervious pavement systems, capable of carrying a wheel load of 4,000 pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of

a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

- i. All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. Documentation that verifies appropriate soils and site conditions shall be provided.
- ii. All materials shall be maintained per industry and city standards. Damaged areas shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.
- iii. Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.
- iv. Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous

Table 6.3. Parking Space Geometry

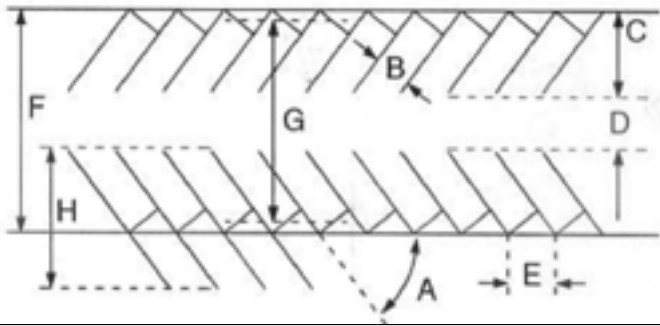
			
	A = Angle of Parking		
	45°	60°	90°
B = Stall Width	9.0'	9.0'	9.0'
C = Vehicle Projection	19.7'	21.0'	19.0'
D = Aisle Width	12.5'	17.5'	24.0'
E = Curb Length per Stall	12.7'	10.5'	9.0'
F = Width of Bay	51.9'	59.5'	60.0'
G = Width of Bay, double	45.6'	55.0'	60.0'
H = Width of double stalls	33.1'	37.5'	38.0'

Table 6.4. Off-Street Loading Requirements

Gross Floor Area of Building (square feet)	Size of Loading Space	Minimum Number of Spaces Required
0 to 4,000	None required	None required
4,000 to 8,000	10' x 25'	1
8,000 to 24,000	12' x 40'	1
24,000 to 60,000	12' x 40'	2
Each additional 50,000	10' x 40'	1

liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.

- v. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.
 - vi. Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a pervious pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.
 - vii. Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.
 - viii. Parking areas shall have the parking spaces marked as required by this article except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.
- the specifications of this Article and those set forth in Article 5, Design Standards.
- b) Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet.
 - c) Aisles or lanes may be designated by the Paragould Fire Department that differ from the specifications of this Article.
 - d) Additional aisle width and turning radii may be required to accommodate emergency vehicles, large vehicles, equipment, vehicles with trailers, or when the aisle serves as a principal means of access and/or circulation within the site including access to loading spaces, drive-through facilities, or trash storage facilities.
 - e) Pedestrian walks shall be located between every other (alternating) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both sides served by it. If parking bays exceed 300 feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay.
 - f) Required pedestrian walks shall have a four-foot clear width and such width shall be protected and maintained by curbs or wheel guards.
 - g) Blocks of parking bays containing more than 200 parking spaces shall be established if the total number of parking spaces to be provided exceeds 200. Such blocks shall be defined by landscaped strips having at least a 15 foot clear width and such width shall be protected by curbs or wheel guards. Each such landscape strip shall be raised and protected by curbs and shall contain a four foot wide pedestrian walk extending the full length of the strip.

6.4.3 Parking Space Geometry.

- a) Parking spaces shall have a minimum area of 180 square feet with a width of 10 feet and a length of 18 feet. Parking lots shall be laid out and constructed in accordance with

Vehicular access aisles within the block shall be connected to one or more roadway at least 24 feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.

6.4.4 Access Drives and Driveways.

- a) Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic, and so as to provide adequate maneuvering area for the vehicle to turn around where only one access is provided so no backing of vehicles into the street or alley is required.
- b) Parking lot access drives may be designed for either one-way or two-way traffic and in either case shall be appropriately marked. In the case of one-way traffic, a parking lot access drive shall not be less than 12 feet in width. In the case of two-way traffic, a parking lot access drive shall not be less than 24 feet in width.
- c) Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
- d) At least 50 feet shall be provided between any two access drives along one street for one lot.
- e) No access drive or driveway shall be less than 75 feet from any street intersection.
- f) The use of shared access drives shall be encouraged in order to reduce the number of curb cuts and improve the appearance of street corridors in the city.
- g) Access drives shall be paved with concrete or asphalt a minimum of the required width of the driveway to a distance of 25' from a public street.
- h) 25' of depth from a city street shall be concrete or asphalt a minimum of the required width of the driveway

6.4.5 Grading, Surface Drainage. Adequate stormwater drainage facilities shall be installed in order to ensure that stormwater will not collect upon the parking areas and

remain there and to ensure that stormwater will not flow onto abutting property or abutting sidewalks.

6.4.6 Nighttime Illumination.

- a) Any parking area designed for use by ten or more cars after dusk shall be adequately illuminated.
- b) Illumination shall be provided in compliance with Article 5, Design Standards.

6.4.7 Landscaping.

- a) All parking spaces and access drives shall be at least five feet from any side or rear lot lines.
- b) All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be permanently landscaped and maintained.
- c) Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall not be less than ten feet in depth (and may include public right-of-way measured from the right-of-way line).
- d) Planted areas shall be planted and maintained with live landscape material, such as trees, plants, or shrubbery. In the event any location is subject to more than one provision with respect to planting areas, the more restrictive provision shall apply.
- e) The maximum number of uninterrupted parking spaces shall be 15. Planted islands shall be used as a means to divide the groups of parking spaces from each other as required by Article 5.
- f) All parking rows must be anchored on either end with a curbed planted island/projection. Each island/projection must have one indigenous shade tree for single parking rows, and two for double parking rows at a minimum two-and-one-half (2½) inch caliper.

6.4.8 Screening.

- a) Any area of six or more spaces which is not within a building and abuts or is across a

street from any lot in a residential zoning district, shall be provided with a suitable fence, wall, berm, or evergreen planting, or a combination thereof, at least four feet in height, designed to screen visibility and headlight glare from such residential lot.

6.5 SHARED PARKING FACILITIES.

Under the foregoing provisions of this ordinance, off-street parking spaces are required to be provided individually for each use or structure. Pursuant to the procedure hereinafter set forth and subject to certain limitations, two or more uses may share off-street parking facilities, with each of such uses being considered to have provided the parking spaces individually.

- a) No use shall be considered as individually having provided off-street parking facilities which are shared with one or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as the other sharing them.
- b) An application for Conditional Use shall be filed by the owner or owners of all land and structures for which shared off-street parking spaces are to be provided. The applications shall contain such information as is required by this ordinance or reasonably deemed necessary and shall include plans showing the proposed shared facilities in relation to the uses for which they are to be provided.
- c) In consideration of an application for Conditional Use for shared parking, the Planning Commission shall take into account and hear evidence concerning the nature and hours of operation of each respective use proposing to share parking. Further, the Planning Commission shall receive necessary and enforceable commitments, or otherwise impose appropriate conditions, to ensure that the nature and characteristics of each use proposing to share parking are such that adequate parking will be available for each use.

6.6 OFF-STREET LOADING FACILITIES.

The regulations herein shall govern the design of and the requirements for off-street loading and unloading space in all districts.

6.6.1 Required Number of Spaces and Location.

- a) Every building or structure used for business, trade or industry shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or street. Off-street loading and unloading space shall be designed not to obstruct or interfere with the use of any street, alley, or adjoining property. Off-street loading and unloading spaces may not be located on public right-of-way nor within a front yard. The minimum size and number of off-street loading and unloading spaces shall depend upon the size of the building to which they are appurtenant, as found in Table 6.4.
- b) When determination of the number of required off-street loading bays results in a requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded, and fractions over 1/2 shall be interpreted as one loading space.
- c) No loading space shall be closer than 30 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid noncombustible fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading space shall be located within 50 feet of the nearest point of intersection of any two streets.

6.6.2 Construction and Maintenance. Off-street loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:

- a) An off-street loading space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. Loading spaces may overlap or conflict with required parking spaces when the required loading space would not normally be used at the same time as the parking.

- b) Spaces shall be graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris and be free from potholes or other signs of surface failure.
- c) Lighting shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic and complies with the lighting standards of Article 5.
- d) Entrances and exits shall be provided and located as to minimize traffic congestion.
- e) Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than 300 vehicles, provision shall be made to maintain separate circulation routes within such facilities.

6.6.3 Cooperative Establishment and Use.

Requirements for the provision of off-street truck-loading facilities with respect to two or more structures may be satisfied by the permanent allocation for the requisite number of spaces for each use in a common truck-loading facility, cooperatively established and operated, provided that the total number of spaces designated is not less than the sum of the individual requirements.

6.7 SPECIAL PROVISIONS FOR DELIVERY OR OTHER VEHICLES.

Vehicles utilized in the normal operation of a business shall be parked behind or beside the principle building or parked in the most inconspicuous location available relative to its visibility from a public street or right-of-way (if parked at the business location) when said vehicle is not in use. The term "use" shall not include advertising purposes.

6.8 MAINTENANCE REQUIREMENTS FOR PRIVATE STREETS AND DRIVES.

- 6.8.1 Maintenance Required.** Any privately-owned street, drive, or parking area which is open and available for public use and public access, and is reasonably expected to be utilized by the public, shall be maintained

in a condition free of weeds, dust, dirt, standing water, trash and debris and be free from potholes or other signs of surface failure. Additionally, such street, drive, or parking area shall be suitably marked and striped in conformance with the Manual on Uniform Traffic Control Devices.

- 6.8.2 Paved Approach.** Private drives shall be paved a minimum of 25 feet in length from its connection to a public street.

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ARTICLE 7

IN THIS ARTICLE:

7.1	Trees.	98
7.2	Land Alterations and Disturbances.	99
7.3	Low Impact Design.	101

ARTICLE 7 - ENVIRONMENTAL PROVISIONS

7.1 TREES.

7.1.1 Purpose and Scope.

- a) The purpose of this Section is to provide for the protection of the tree canopy that currently exists within the City of Paragould by prohibiting the unnecessary removal of mature protected trees upon private property. The provisions of this Section shall apply to all trees native to Arkansas having a caliper diameter of twelve (12) inches or more as measured at four and one-half (4½) feet above adjacent grade and growing on privately owned property intended for development activity of density greater than a one- or two-family dwelling.

Tree replacement ratios outside of the building site:
12 - 17 inches in diameter shall be at a 1:1 ratio
18 - 23 inches in diameter shall be at a 3:1 ratio
24 inches and up shall be at a 4:1 ratio
Tree replacement ratios inside the building site:
12 inches and up in diameter shall be at a 1:1 ratio

- b) If an owner or developer of property with trees subject to this section is unable to locate replacement trees on the property, the owner or developer shall have the option to provide the same number of trees to the City of Paragould, and shall also have the option to pay a fee in lieu to be placed in a tree preservation account of the City of Paragould. The fee assessed under this section shall equal the cost of the trees as determined by a landscape professional and approved by the City of Paragould. It is further the scope of this Article to provide certain standards for planting to protect trees from unnecessary trimming and to protect utility systems from damage due to tree growth.

7.1.2 Permit Required for Tree Removal.

Except as permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any tree designated in this Article on private property which has a trunk diameter of at least 12 inches when measured at a point 4.5 feet above adjacent grade from the base of such tree unless a permit is issued under the

provisions of this Article.

- 7.1.3 Permit Process.** Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a protected tree, as defined in this Article, shall first make application to the Director of Planning. An administrative fee of \$25.00 will be assessed to the applicant. If the Director determines the services of an arborist are required, the cost shall be borne by the applicant.

- 7.1.4 Permit Application Contents.** Permit applications shall contain the following information:

- A plat map describing the property on which the protected tree or trees are located, streets adjacent to the property, and the location of the protected trees. The map may be prepared by the applicant.
- Trees to be affected shall be indicated by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map. Protected trees must be listed by species.
- An explanation or description of the work or alteration to be performed on each protected tree and the reasons therefore.
- The name, legal residence, mailing address, email address, and phone number of the property owner making the request and the same information of the person or firm doing the work.

7.1.5 Application Review.

- Standard of Review.** The Director shall review the application and, in his discretion, may consult with an arborist in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:
 - The health of the protected tree or trees, if proposed to be removed for health reasons.
 - The location of any buildings or appurtenances existing or proposed upon a piece of property, and whether or not a more suitable design or location is available to avoid removing a protected

tree.

- iii. The effects an existing protected tree is having or is expected to have upon buildings or appurtenances existing on the property.
- iv. The species of the tree.
- v. Other conditions that may be unique to the situation revealed in the application, including the economic hardship that would be imposed upon the applicant were the permit denied.

7.1.6 Appeals Process. The Director shall receive and review applications for any work proposed to be done which may result in destruction of any protected tree or trees covered by this Article. An applicant may appeal the Director's decision within ten days to the Planning Commission. The Planning Commission's finding shall be final.

7.1.7 Trees on Public Property. All trees of any kind, regardless of size, located on public property belonging to the City of Paragould shall not be removed, cut down or destroyed by any means except upon action of the City. The Director shall report the removal or destruction of protected trees on public property to the Council.

7.1.8 Exemption for Public Utilities. Any public utility operating within the City of Paragould may, upon order of the City, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of Paragould, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any protected tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility.

7.1.9 Plantings not to Interfere With Utilities. It shall be unlawful for any tree or shrub to be planted in close proximity to an overhead utility such that said planting will come into conflict with and potentially damage or destroy said utility.

It is the intent of this Section that plantings occur in such a location that they achieve mature height without the necessity of trimming or pruning to avoid overhead utility lines, thus destroying the symmetry of the

planting.

7.1.10 Prohibited Acts. It shall be unlawful to "clear cut," or remove all trees, regardless of size or species, from a parcel of property. Any person, firm, partnership, corporation or other entity that clear cuts a parcel of property shall be subject to the penalties listed in this Ordinance.

7.1.11 Penalties. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the maximum fine allowed by law and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed 30 days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution.

7.1.12 Conflict With Other Laws. Whenever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

This Ordinance, having been unanimously adopted shall become effective 30 days upon the adoption thereof, with a single publication of the ordinance prior to becoming effective and being recorded and published in the ordinance book in the same manner as required by State Law of other ordinances.

7.2 LAND ALTERATIONS AND DISTURBANCES.

7.2.1 Purpose. The purpose of this Section is to set forth regulations governing the excavation, clearing, filling, and draining of properties within the City of Paragould. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity take into account the immediate and long-term impact of such work on adjoining and downstream properties. The intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and stormwater volumes and rates beyond that which existed prior to alteration or disturbance.

7.2.2 Clearing and Grubbing, Haul Roads, Waste Areas, Plant Sites, or Other Areas Occupied by the Contractor.

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as necessary shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins, or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

No development permit is required for the clearing, grubbing, or clipping of underbrush.

- a) **Excavation.** No excavation of land area greater than 1000 square feet shall be undertaken, unless and until a permit has been secured. Excavations shall be made according to best management practices and shall be left in an acceptable condition when completed. Permit applications shall include the following assurances:
 - i. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property, and entrances and exits shall be submitted.
 - ii. Indication that excavations shall result in a 3-to-1 slope.
 - iii. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
 - iv. Bottom of pits shall be graded in a generally level contour.
 - v. Edge of slope at ground level shall be no closer than 35 feet from any property line, nor closer than 300 feet from a public road.
 - vi. Upon approval, a permit for an

excavation shall be issued for a one-year period and may be reviewed and considered for extension.

7.2.3 Land Clearing and Drainage.

- a) **Structures, grading, and other construction.** The contractor shall perform all work in such a manner and with such protective features to control and contain dust within the limits of the work. The contractor shall prevent or minimize undesirable siltations and dust in connection with excavation and construction.
- b) It is the intent of these specifications that the work shall proceed in a manner and sequence to ensure the earliest possible establishment of permanent erosion control items.
- c) **Parcels of land greater than one acre.** No parcel of property in excess of one acre, or series of contiguous lots the combined area of which exceeds one acre, shall be cleared prior to submitting to the Director a site-clearing plan. Such plans shall include, but are not limited to, access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control and dust. Plans of this nature may be included with and made a part of the building permit application.
- d) Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Director. The Director may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.
- e) **Parcels of land greater than three acres.** Proposed new developments in excess of three acres shall not be cleared until an overall project plan has been submitted to and approved by the Director. Such plans shall, in addition to the above referenced requirements, include detailed stormwater runoff control measures

- including retention and/or detention ponds capable of retaining both “during construction” and “post-construction” sediments and of holding a volume of stormwater equal to a 100-year storm based on south Arkansas average rainfalls for urbanized areas. The approximate value for “I” precipitation intensity in inches per hour, shall be obtained from the the most recent data available from the National Oceanic and Atmospheric Administration which provides precipitation intensity information. Runoff shall be drained on-site to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.
- f) Provisions for the long-term maintenance of permanent stormwater control facilities shall be determined prior to the finalization of a project, or prior to issuance of a certificate of occupancy or approval of final plats. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.
 - g) All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line.
 - c. Volume, type, and area of proposed fill, and
 - d. Distances from surrounding property lines and buildings.
 - ii. A statement expressing the purpose of the proposed fill.
 - iii. Additional related information as may be requested by the Director/Building Official.
 - c) **Fill requirements.** The fill permit application shall demonstrate that the following:
 - i. The least amount of fill is proposed to achieve the purposes of the operation,
 - ii. Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines,
 - iii. Fill shall not encroach into any designated side and rear yard setbacks,
 - iv. Fill shall not cause negative impacts to surrounding property.
 - d) An application to fill land shall be evaluated by the Director for compliance with this section. The Director shall either approve, approve with modifications, or deny the fill permit application.

7.2.4 Filling.

- a) **Fill permit required.** Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit.
- b) **Application to fill land.** An application to fill land shall contain the following:
 - i. Plot plan, drawn to scale, showing the following:
 - a. Existing site topography, elevations, and drainage flow,
 - b. Proposed site topography, elevation and drainage flow,

7.3 LOW IMPACT DESIGN.

7.3.1 Low Impact Design (LID) Encouraged.

For the purposes of this ordinance, low impact design practices are encouraged as a means of implementing environmentally sound stormwater management including reduction in stormwater runoff, ground water recharge, and increasing biodiversity.

7.3.2 LID Best Practices.

The Low Impact Development: A Design Manual for Urban Areas (2011) published by the University of Arkansas Community Design Center shall be generally accepted as listing best management practices for low impact design in communities. The practices listed may be employed as appropriate to their development context and subject to the approval of the City Engineer.

ARTICLE 8

IN THIS ARTICLE:

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ARTICLE 8 - SIGNS

8.1 SCOPE, PURPOSE, AND LEGAL EFFECT.

The regulations herein set forth shall apply in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located. For the purpose of this Article, the following sign regulations are established to assure the health, safety, and welfare of the citizens of Paragould, to facilitate orderly commerce, to protect the public investment, and promote attractive and orderly streetscapes.

8.2 DEFINITIONS.

The words and terms of the Article shall have the meanings respectively ascribed in Article 10, Definitions. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage. Sign types themselves are defined and example illustrations provided within the article.

8.3 CONFORMITY AND PERMIT REQUIRED.

All signs hereafter erected on any lot in any district of the City shall conform to the provisions of this ordinance. It shall be unlawful for any person, contractor or entity to erect, enlarge, rebuild, or structurally alter any sign without first obtaining a sign permit unless a sign is exempt from this permit requirement.

8.4 SIGN TYPES PERMITS ESTABLISHED.

Table 8.1 establishes, defines, and illustrates the allowed sign types in the City of Paragould. Specific sign types are generally classified into the following five categories:

1. On-Premises Freestanding Signs.
2. On-Premises Attached Signs.
3. Off-Premises Freestanding Signs.
4. Off-Premises Attached Signs.
5. Mobile Signs.

8.5 SIGNS PERMITTED BY ZONING DISTRICT.

The permitted location of signs is governed by zoning district. Table 8.2, Permitted Sign Locations sets out permitted sign locations by type. The symbol "■" means a sign permit is required. The symbol "□" means the sign is permitted but exempt from permit. The symbol "*" means a master sign plan is required. The symbol "•" means the sign is not permitted.

8.6 DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS, AND SPECIAL CONDITIONS.

The dimensional requirements, number of signs permitted and other special conditions are set forth in Table 8.3, Requirements by Sign Type.

8.7 EXEMPT SIGNS.

The following types of signs are exempt from permitting. However, signs that are determined to be obscene, dangerous, hazardous, or that generally do not meet the design, maintenance, or safety requirements of this article are prohibited.

- a) **Political signs.** Any political sign or poster not exceeding three square feet erected on property by the owner or with the property owner's consent, provided such sign shall not be erected more than 60 days prior to such election and shall be removed within seven days after the election.
- b) **Vehicle Signs.** Signs incorporated in the protective finish of a vehicle.
- c) **Temporary window signs.** Such signs shall not exceed 20 percent of an individual window area.
- d) **Directional signs.** Entrance and exit signs with a maximum height of 3' and maximum copy area of 4 square feet.
- e) **Address signs.** Signs displaying addresses not exceeding one square foot in area. Such signs may display post office box numbers, names of occupants of premises, or other identification and excluding advertising.

f) **Flags and insignia.** Governmental related displays and those associated with temporary commercial promotions are exempted from these regulations.

g) **Legal notice or identification.** Information or directional signs required by governmental bodies are exempted from these regulations.

h) **Open house or real Estate signs.**

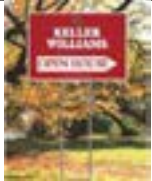
Table 8.1. Table of Permitted Sign Types	
On-premises Freestanding Signs	Example
a) Open House or Real Estate Signs. Open house signs announce the availability of open house events. Real estate signs advertise the sale of real estate. The signs are temporary in nature and supported by a metal frame with two ground penetrating supports.	
b) Temporary Special Event Banner. Temporary special events banners announce special community events or occasions on the site of the event.	
c) Development Sign. Development signs identify building, development or construction sites and identify the address, development name, general contractor and owner. The purpose of such sign is to facilitate the delivery of materials and services for the period of construction only	
d) Neighborhood Identification Signs. Neighborhood identification signs include entrance identification for subdivision, multi-family developments, and other similar residential developments identifying development name, description or location only.	
e) Ground-Mounted Monument Signs. A sign which is generally a low profile sign supported by a base having a width of 110 percent of the sign width, and having less than 12 inches between the sign's message area and the top of the base. Includes Ground-Mounted Monument Group signs which accommodate shopping center, office complexes, clusters of businesses or similar arrangements.	
f) Yard Sale Signs. A sign which is used to advertise a private sale of households goods from the lot or site of a dwelling.	

Table 8.1. Table of Permitted Sign Types

- g) **Temporary Sidewalk or "A" Frame Sign.** A sign which is temporary in nature, that is not secured to the ground, and constructed in a manner as to form an "A" or tent-like shape used for the purpose of advertising on the angular sides.



On-Premises Attached Signs

- h) **Wall-Mounted Signs.** A wall-mounted sign is a sign painted on, attached to, or erected against the wall of a building, structure, canopy or awning with the exposed face of the sign parallel to the plane of such wall or structure and extending not more than 15 inches in thickness. An architecturally integrated mansard sign shall be classified as a wall sign (Added)



- i) **Projecting Sign.** A projecting sign is a sign which is erected or supported on the wall of a building or other structure and projects from same.



- j) **Window Sign.** A window sign is a sign painted, glued or otherwise affixed to a window for the purpose of being visible from the exterior of the building. A permanent window sign shall be classified as a wall sign.



Off-Premises Freestanding Signs

- k) **Outdoor Advertising (Billboard).** Freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor advertising entity for the purpose of advertising space whether by lease or by charitable donation.



Off-Premises Attached Signs

- l) **Temporary Special Event Banner (off-premises).** Temporary special events banners announce special community events or occasions not on the site of the event.



Mobile Signs

Table 8.1. Table of Permitted Sign Types

m) Vehicle Sign. Vehicle signs are attached, painted, or otherwise applied to doors, roof, or side panels of business vehicles and not used for the primary purpose of advertising.	
n) Mobile Billboard. Mobile Billboards shall mean one or more advertising display structures that are mounted, painted, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising. A bus, taxi or similar vehicle used primarily for the purpose of transporting persons or vehicles operated for business purposes where advertising or identifying information is directly related vehicle's owners business are excluded from this definition.	

Table 8.2. Table of Permitted Sign Locations

Sign Type	Zoning District															
	AG	RE	R-12	R-10	R-8	MR-1	MR-2	HC	CC	NC	OP	DTC	TND	PUD	M-1	M-2
■ - Permit Required																
□ - Exempt from permit																
* - Master sign plan																
On-Premises Freestanding Signs																
a) Open house or real estate sign	□	□	□	□	□	□	□	□	□	□	□	□	*	*	□	□
b) Temporary special event banner	■	■	■	■	■	■	■	■	■	■	■	■	*	*	□	□
c) Development sign	□	□	□	□	□	□	□	□	□	□	□	□	*	*	□	□
d) Neighborhood identification sign	■	■	■	■	■	■	■	■	■	■	•	•	*	*	■	■
e) Ground-mounted monument sign	•	•	•	•	•	•	•	■	■	■	■	■	*	*	■	■
f) Yard sale sign	□	□	□	□	□	□	□	□	□	□	□	□	*	*	■	■
g) Temporary sidewalk "A" frame sign	•	•	•	•	•	•	•	□	□	□	□	□	*	*	•	•
On-Premises Attached Signs																
h) Wall-mounted sign	•	•	•	•	•	•	•	■	■	■	■	■	*	*	■	■
i) Projecting sign	•	•	•	•	•	•	•	■	■	■	■	■	*	*	*	*
j) Window sign	•	•	•	•	•	•	•	■	■	■	■	■	*	*	■	■
Off-Premises Freestanding Signs																
k) Outdoor advertising (Billboard)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Off-Premises Attached Signs																
l) Temporary special event banner (off-premises)	■	■	•	•	•	•	•	■	■	■	■	■	■	■	■	■
Mobile Signs																
m) Vehicle sign	□	□	□	□	□	□	□	□	□	□	□	□	*	*	□	□
n) Mobile Billboard	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

8.8 PROHIBITED SIGNS AND SIGN DISPLAY CONDITIONS.

The following signs and sign display conditions are prohibited for permanent signs:

- a) Vehicle signs used for the primary purpose of advertising.
- b) Signs attached to the following:
 - i. The roof or top of a building or structure.
 - ii. Out-buildings or appurtenant structures.
 - iii. Utility poles.
 - iv. Fences.
 - v. Trees
 - vi. Signs added to any existing sign except those signs originally designed for group advertising.
- c) Signs located on city, county, state, or other government property, including public lands, rights-of-way, easements, or similar locations except those specifically exempted.
- d) Signs within 50 feet of a residential district unless facing away from, and lighting directed away from such district.
- e) Signs that incorporate flashing, animated, moving, or strobe illumination.
- f) Signs that use color lighting which may be misinterpreted as an emergency, police, and traffic control identification.
- g) Portable signs other than sidewalk signs, except in the case of a natural disaster where a sign has been damaged, the use of portable or mobile signs shall be permitted until the damaged sign is repaired or replaced or for a period of three months.
- h) Any sign which by reason of size, shape, content, coloring, location or manner of illumination interferes with driver visibility of any traffic control device or sign; or any sign which resembles any traffic control or emergency device or sign which creates any traffic hazard.
- i) Handheld Commercial or Human Costumes - No person may display a handheld sign advertising a business along or within the street or highway right-of way regardless of

zone. Furthermore, no person may dress in any costume to advertise a business in such a way as to divert motorists' attention away from the roadway.

8.9 GENERAL REQUIREMENTS, DISPLAY CONDITIONS, AND DESIGN.

- 8.9.1 **Signs not to be primary land use.** Signs shall be permitted or sited only when the property, lot, or parcel upon which the sign is to be placed houses a structure or active land use in conformance with the provisions of the zoning regulations.
- 8.9.2 **Ingress and egress.** No sign shall be erected as to impede or prevent free ingress or egress from any door, window, or fire escape and no sign of any kind shall be attached to a standpipe or fire escape.
- 8.9.3 **Site line obstruction.** Signs shall not interfere with driver visibility of any traffic control device or with the visibility of the street, road, and thoroughfare or with the expressway itself.
- 8.9.4 **Building Codes.** Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building and electrical codes of the City.
- 8.9.5 **Design and maintenance.** All signs shall be designed according to generally accepted engineering practices to withstand wind pressures and to ensure that loads are distributed to structural supports to avoid overstress and all signs must be reasonably and properly anchored to avoid being swept away by wind or water.
 - a) All signs over 10 feet in height are required to have a set of plans or drawings, signed and stamped by a qualified professional which certify wind load requirements according to currently adopted Building Codes. All signs shall be maintained and in good repair and appearance.
 - b) Ground signs shall incorporate architectural features and materials of the corresponding building. The base of all ground signs and directional signs shall be fully landscaped with plantering on all sides and not less than the dimensional width of the base. Landscaping shall be properly maintained.

Table 8.3. Requirements by Sign Type					
Sign Type	Location	Number	Area (sf)	Min/Max Height	Special Conditions
On-Premises Freestanding Signs					
a) Open house or real estate sign	Placed on private property only	1 per lot or street frontage 1 sign per building facade or if portions of the building are for sale/ lease: 1 per lease space.	12 sf in residential zones 32 sf in commercial and industrial zones	6' in residential zones (max) 8' in commercial zones (max)	Location. No real estate signs shall be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed behind sidewalks and/ or utility poles. Removal. Signs for properties for sale shall be removed within 7 days of property closing. Two sign riders are permitted as long as the maximum sign area is not exceeded. Off-site directional signs shall be not be placed on public rights-of-way or in a sight triangle.
b) Temporary or special event banner	Placed on a wall surface or securely mounted with a temporary device so sign is secure in all weather conditions	Max of 2 per event	24 sf	Ground - 4' (max) Wall - none	Sign shall be placed on private property only. Maximum of 30 consecutive days display with renewable permit. 10' setback from curb or edge of pavement.
c) Development sign	Placed facing street on private property	1 per site or street frontage	32 sf	8' (max)	Installed no more than 30 days prior to the start of construction and removed 30 days after completion
d) Neighborhood Identification sign	On private property	2 per entrance	40 sf	8' max	Ground mounted only
e) Ground-Mounted Monument sign	1 per street frontage per lot Setback - 5'	1 per site entrance	Single Tenant 64 sf in area. Multi-Tenant 100 sf in area.	Single Tenant 8' in height. Multi-Tenant 12' in height	n/a

Table 8.3. Requirements by Sign Type					
Sign Type	Location	Number	Area (sf)	Min/Max Height	Special Conditions
f) Yard Sale Signs	On site of sale only		8 sf		Sign may be erected 24 prior to said sale and must be removed within 24 hours after said sale concludes. Signs shall not be placed on utility poles, utility boxes, public sidewalk, streetlights, street signs, and trees located on public right-of-way.
On-Premises Attached Signs					
g) Wall-Mounted sign	Flat against a wall surface	n/a	HC, CC & NC Zones: 10% of the wall area, maximum 350 sf. M-1 & M-2 Zones: 15% of the wall area, maximum 1000 sf.	Top of wall	Maximum sf is to include awning, canopy, window, door and projecting signs.-
h) Projecting Signs	Affixed to wall surface	1 per street frontage	1 sf per lineal foot of building frontage 64 sf max	No higher than the cornice height max	Projecting signs may not extend more than twenty-four (24) inches beyond a wall surface.
i) Window Signs	Affixed to window	No limit	20% of window area max	n/a	None
j) Temporary Sidewalk or "A" Frame	Sidewalk adjacent to the front of the building facade	1 per store front	6 sf	3'	Placement may not obstruct pedestrian traffic. Requires approval of the Downtown District Review Board.
k) Outdoor Advertising (Billboards)	None Permitted				
l) Temporary Signs for Special Events (off-Premises)	Placed on a wall surface or securely mounted with a temporary device so sign is secure in all weather conditions	Max of 2 per event	24 sf	Ground - 4ft Wall - none	Maximum of 30 consecutive days
m) Vehicle Sign	n/a	1 per site	32 sf	n/a	If permitted, affixed to vehicle.
n) Mobile Billboards	To Be Determined				Display during the hours of 8 am to 5 pm where permitted. Parking of mobile billboards where visible to the public more than 48 hours is prohibited.

8.9.6 Illumination.

- All illuminated signs shall be permanently wired and constructed in accordance with currently adopted electric code.
- Electronic reader boards shall constitute no more than 50 percent of the overall signage surface area and are limited to ground mounted signs only.
- Point sources of illumination shall be shielded from view and not visible to the

public.

8.9.7 Signs to be maintained in standard condition. Sign surface areas which remain vacant or are abandoned for a period greater than sixty (60) days shall be removed in their entirety.

8.9.8 Inspection. Signs shall be subject to periodic inspection to ensure safety and compliance with the provisions of these and other regulations of the city. Deficiencies

cited shall be corrected within 30 days of citation.

8.10 NON-CONFORMING EXISTING SIGNS.

8.10.1 Existing Nonconforming Uses. All signs which are not in conformance with this Article on the effective date of this ordinance, shall be classified as a legal non-conforming sign.

8.10.2 Loss of legal non-conforming status.

Legal non-conforming status shall be revoked under any of the following conditions:

- a) The sign is expanded, changed, or otherwise altered in structure or copy (except for changeable copy signs), which makes the sign less in compliance with the requirements of the Article than before the alteration.
- b) The sign is relocated to a position making it less in compliance with the requirements of this Article.
- c) Re-established after deterioration, damage or destruction of more than 50 percent of the value, or 50 percent of the area of the sign.

8.11 ENFORCEMENT, VIOLATIONS, AND PENALTIES.

8.11.1 The Director or designee shall enforce this ordinance.

8.11.2 If the Director or designee determines that any provisions of the Article are being violated, the enforcer shall:

- a) Notify in writing the property owner, sign owner or person(s) responsible for such violation, indicating the nature of the violation and order the action necessary to correct it; or
- b) Take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- c) Violation of the provisions of the ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The

owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and suffer the penalties herein provided.

- d) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to remedy any violation. Violations which are not remedied, or signs not removed within the designated time are subject to removal by the City, without liability. All costs associated with the removal of the sign by the City shall be the responsibility of the property owner and/or sign owner.
- e) Any sign which is found to be in violation of the Article shall be removed, or the violation otherwise remedied, by the property owner or sign owner within 30 days of notice. Violations which are not remedied within 30 days are subject to removal by the City without liability.
- f) Signs placed on any City owned building, structure, or lot or within the right-of-way of any public road or easement without a permit shall be subject to immediate removal by the City.

ARTICLE 9

IN THIS ARTICLE:

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ARTICLE 9 - ADMINISTRATION

9.1 ADMINISTRATIVE BODIES AND OFFICIALS.

9.1.1 The administrative bodies and officials responsible for carrying out the provisions of this ordinance include the following:

- a) Mayor and City Council
- b) Planning Commission
- c) Board of Adjustments
- d) Development Review Committee
- e) Planning and Development Director

9.1.2 The duties, responsibilities, administrative provisions, and procedures for the administration of the Paragould Zoning Code are set forth in the sections that follow.

9.2 MAYOR AND CITY COUNCIL.

The Mayor and Council shall have all the powers and duties prescribed by law and by this Ordinance, which shall include, but are not necessarily limited to, the following:

- 9.2.1** Establish the membership of the Planning Commission and Board of Adjustment
- 9.2.2** Adopt and, from time to time, amend the Discover Paragould 2042 Comprehensive Plan, special area plans, corridor plans, neighborhood plans, the Zoning Ordinance, and any other plan or policy affecting the growth and development of Paragould.
- 9.2.3** Designate local historic districts and landmarks.
- 9.2.4** Establish all fees associated with applications required by this ordinance.
- 9.2.5** Hear and decide requests for annexations and changes to the corporate limits.
- 9.2.6** Hear and decide requests for amendments to the Zoning Ordinance.
- 9.2.7** Hear and decide requests for preliminary and final plats for subdivisions.
- 9.2.8** Hear and decide recommendations and appeals from the recommendations of the Planning Commission.

9.3 PLANNING COMMISSION.

9.3.1 Creation of the Planning Commission. There is hereby created a City of Paragould Planning Commission as authorized by A.C.A. § 14-56-405.

9.3.2 Planning Commission Membership and Appointment. The City of Paragould Planning Commission shall consist of seven members. Members shall be nominated to the City Council, which shall be responsible for approving the nomination by a majority vote of the Council.

9.3.3 Meetings and Operations. The Planning Commission shall adopt rules of operation setting forth the number and nature of its officers, method of election, regular meeting dates times, and rules of procedure and any other such matter as may be appropriate to the operation of the commission. Said rules of operation shall be subject to the approval the Mayor and City Council

9.3.4 Powers and Duties.

The Planning Commission shall have all the powers and duties prescribed by law and by this Ordinance, shall include, but are not necessarily limited to, the following:

- a) To develop and recommend a Comprehensive Plan for the City of Paragould,
- b) To review and make a recommendations on amendments to the comprehensive plan and other policies, as requested by City Council, that may have implications for this Ordinance.
- c) To review and recomend to the City Council changes to the text of this Ordinance,
- d) To review and recommend action to the City Council on requested changes to the Official Zoning Map,
- e) To review and make a recommendations upon any other matter, application, or request as specified in this Article.
- f) To advertise and conduct public hearings as required by the procedures of this Article.

9.4 BOARD OF ADJUSTMENT.

9.4.1 Creation of the Board of Adjustment.

There is hereby created a City of Paragould Board of Adjustment as authorized by A.C.A. § 14-56-405.

9.4.2 Board of Adjustment Membership and Appointment. Organization

- a) The Board of Adjustment shall consist of same persons as the Planning Commission.
- b) A board of adjustment is hereby established to consist of the appointees to the planning commission.

9.4.3 Meetings and Operations.

Appointments. Upon appointment and annually thereafter The Board of Adjustment shall meet as a separately convening body from the Planning Commission. The Planning Commission Chair shall serve as the Chair of the Board of Adjustment. Succession of authority shall be identical to that of the Planning Commission. Otherwise, the rules of operations shall be identical to the Planning Commission.

- a) Meetings of the board shall be held at such times and at such place or places within the City of Paragould as the board may designate, and the board may meet at any time on call of the Chairman.
- b) Seven days notice required for meetings. The secretary of the board shall notify each member of the board of a scheduled or called meeting seven days before the date of the meeting, by mail, email or in person.

9.4.4 Record of Proceedings. The Board of Adjustment shall keep minutes of its proceedings which shall be filed by the secretary of the board in the office of the City Clerk and shall be public record. These minutes shall contain as a minimum:

- a) Time, date, and place of meetings;
- b) Names of members present;
- c) Citation, but number and description, of appeal or application;
- d) Pertinent facts of the case;
- e) Names of persons appearing and their interest in the case;
- f) Record of vote by name;
- g) Authority for decision (cite ordinance

or statute) and reasons for conditions imposed.

9.4.5 Quorum. The presence of a majority of the members shall be necessary to constitute a quorum. The concurring vote of five members present shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from such regulation.

9.4.6 Members removed for non-participation. Any member of the board who fails to be in attendance at two consecutive scheduled meetings and provides no written excuse satisfactory to the other members shall have his position declared vacated and a new member shall be selected as provided by law. Removal from the Board shall also constitute removal from the Planning Commission.

9.4.7 Duties and responsibilities.

The Board of Adjustment shall have all the powers and duties prescribed by law and by this Ordinance, shall include, but are not necessarily limited to, the following:

- a) **Administrative Review.** To hear and decide appeals where it is alleged there is an 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, an administrative official's decision.
- b) **Variances.** To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance 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.
- c) **Special Exceptions.** The Board shall have the following powers and duties to hold public hearings and decide special exceptions.
- d) **Boundary Interpretation.** 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 Official Zoning Map.

9.5 DIRECTOR OF PLANNING AND DEVELOPMENT.

The Director of Planning and Development, as appointed by the Mayor and City Council, shall administer and enforce this ordinance. In carrying out these duties under this ordinance, the Director or his designee shall:

- a) Receive all applications for building permits, certificates of zoning compliance, amendments, planning approvals, special plans, conditional uses, variances, and any other applicable matter under this Ordinance.
- b) Review and act on such applications, refer them to the Planning Commission or Board of Adjustments as required herein, and make necessary determinations, certifications and recommendations as required by this Ordinance.
- c) Coordinate meetings of the Development Review Committee (DRC) for the purpose of reviewing applications required by this ordinance.
- d) Maintain the official zoning map showing the current zoning classification of all land in the City of Paragould.
- e) Maintain records of all actions taken under this Ordinance.
- f) Represent the City at all related public hearings.
- g) Develop and present factual reports and recommendations on all applications described in this Ordinance.
- h) Propose amendments to this Ordinance, including the zoning map, as are may from time to time be required due to changing conditions, judicial or administrative proceedings, or for the purpose of improving administration and enforcement.
- i) Receive and act on complaints of violation of this Ordinance.

- j) Issue a written notice of violation to any person violating any provision of this Ordinance.
- k) Establish the schedule for processing applications for conditional uses, rezoning of land, text amendments to the Ordinance, appeals, variances and other reviews or processes required by this Ordinance.
- l) Keep records of applications, permits, and certificates issued, variances granted, complaints received, inspections, reports, and orders, and make all required inspections and perform all other duties as called for in this Ordinance.
- m) The Director shall not have the power to permit any construction, use, or change of use which does not conform to this Ordinance.

9.6 ADMINISTRATIVE SITE AND DESIGN REVIEW COMMITTEE.

9.6.1 Creation of the Development Review Committee. There is hereby created a City of Paragould Administrative Site and Design Review Committee established for the purpose of reviewing plans and applications for proposed developments within the City. The purpose of such review shall be to determine if proposed development conforms to this Ordinance, and to assess what impact, if any, a proposed development may have on the City. Any findings of the DRC shall be reported to the reviewing authority (Planning Commission or City Council).

9.6.2 Coordination. The Director shall be responsible for coordinating the Administrative Site and Design Review meetings. Such meetings shall be informal and scheduled so as to best accommodate participants. Meetings shall be held in sufficient time for its findings to be considered by the reviewing authority prior to action,

9.6.3 Membership. The Administrative Site and Design Review Committee shall consist of the following members or designated representatives, and will be chaired by the Director:

- a) Director

- b) Building Official
- c) City Engineer (Staff or Consulting)
- d) Mayor or City Manager
- e) Fire Chief and Fire Inspector
- f) Chief of Police
- g) Representative of the Planning Commission

9.6.4 Duties and Responsibilities. The duties of the Site Plan Review Committee shall include but not necessarily be limited to the following:

- a) Review and recommendation of pre-application development design, provided sufficient data to permit a responsible evaluation of all permitted development is submitted.
- b) Review and recommendation of official zoning map amendments.
- c) Review of variance requests and make recommendations to the Board of Adjustments.
- d) Review of proposed developments for compliance with the design standards as they appear in Article 5, or elsewhere in this ordinance.

9.6.5 Permits and Certificates.

9.6.6 Development Permit Required. No person shall construct any improvement, including any site work involving clearing, grading, filling, dredging, excavating or the like, nor alter the use of any land or structure, until the Director has issued a Development Permit for such activity. A Development Permit is not required for normal maintenance and repair activity. A development permit shall be required for the alteration of land as described in Article 7, Environmental Provisions, of this ordinance.

9.6.7 Types of Uses.

- a) **Permitted Use.** A Development Permit for a Permitted Use may be issued by the Director.
- b) **Conditional Use and Variance.** A Development Permit for a use requiring a Conditional Use, or Variance shall be issued

by the Director only upon the order of the appropriate body having final review.

9.6.8 Development Permit Applications.

- a) Applications for a Development Permit shall be in writing on a form provided by the Director and shall be submitted to the Director.
- b) Applications shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Director may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.
- c) Prior to the issuance of any Development Permit, the Director shall review the application for such permit to determine if all other necessary permits have been obtained. No permit shall be issued until this determination has been made.
- d) The Director may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, City Engineer, DRC, etc.) for review and comment.

9.6.9 Issuance.

- a) The Director shall act on applications within 15 days after submission of a complete application except as may otherwise be provided for in this Ordinance.
- b) No work shall be performed of any kind unless a Development Permit is being displayed as required by this Ordinance.
- c) After the issuance of a Development Permit, no change shall be made to the application, permit, plans, specifications, or other documents submitted with the application without the written approval of the Director.

9.6.10 Certificate of Zoning Compliance.

The purpose of a Certificate of Zoning Compliance is to ensure that all construction, development, land disturbance, land use or reuse, reconstruction or other efforts concerning the scope and intent of this ordinance are afforded a process whereby conformity with this ordinance is determined

both before a project begins and following the completion of the project.

- a) It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance is issued therefor by the Director stating that the proposed use of the building or land conforms to the requirements of this ordinance. No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued.
- b) Unless provided with an application for a building permit, each application for a certificate of zoning compliance shall be accompanied by a site plan, drawn to scale, showing the locations and dimensions of existing and proposed structures with supporting open facilities, the ground area to be provided and continuously maintained for the proposed structure or structures. The application shall include such other information as may be required by the Director, including existing or proposed uses of the building and land, the number of dwelling units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with the requirements of this ordinance.

9.6.11 Relation to Other Permits.

The requirements of these sections shall not relieve one of the responsibility to secure any permits as may be required by any other requirement of the City of Paragould.

9.7 DESIGN STANDARDS AND REVIEW PROCEDURE.

- 9.7.1 All development activity governed by this ordinance shall conform to the requirements of Article 5, Design Standards.
- 9.7.2 Prior to the issuance of any permit, design review shall be conducted by an Administrative Site and Design Review Committee whose responsibility shall be to determine compliance with the design standards of this ordinance.
- 9.7.3 Design review applications shall include

all necessary preliminary construction documents, plans, and drawings necessary to fully illustrate the design and appearance of proposed sites and buildings, including, but not limited to, exterior finish materials and textures, colors, roof lines and materials, building arrangement, building elevation of each building side, accent features (cornices, window treatments, dormers, signage, etc.). Artist renderings of proposed buildings and material samples may be helpful in the City's review.

- 9.7.4 **Procedure.** Site and design review plans shall be filed with the Director. No site plan shall be deemed filed and accepted for official review until the Director determines that all required information has been fully submitted. A site and design review plan shall be approvable by the Administrative Site and Design Plan Review Committee as a single review process.
 - a) **Compliance.** Once a submitted plan has been accepted for review, the Administrative Site and Design Review Committee shall complete their evaluation of the plan and certify to the Director that said plan does or does not comply with standards of this ordinance.
 - b) If the site plan does comply and there is no rezoning or other consideration pending, the Director shall approve the site plan and so notify the applicant in writing.
 - c) If it is determined that the plan does not comply, the Administrative Site and Design Review Committee shall specify in what respects it does not comply and what additional information is needed to complete the review of the site plan application. This shall be conveyed in writing by the Director to the applicant. Correction of all specified items will be required before further processing of the site plan application.
- 9.7.5 **Time Period for Review.** In all cases, the Administrative Site and Design Review Committee shall have up to or a maximum of 45 calendar days from the date the application is determined to be complete to review and recommend either approval with specific conditions, or disapproval of any site plan.
 - a) The Director may, however, extend the

time for the Administrative Site and Design Review Committee's consideration to allow time for the applicant to submit additional information that is needed to complete the site plan application.

- b) For an application verified as complete, should the 45 day period expire without action by the Committee, the Director shall add the application to the agenda of the Planning Commission for resolution at their next regularly scheduled meeting.

9.7.6 Validity. A site plan approval is valid for 12 months. If permits have not been issued within that time frame, site plan approval is voided unless extended by the Director and Community Development. The Director may extend the site plan approval for one twelve-month period.

9.7.7 Site Plan Amendment Procedure. Should the developer of an approved site plan wish to modify any element of the approved site plan; the Director shall determine if the modification is significant enough to require approval by the Planning Commission.

9.8 CONDITIONAL USE PROCEDURE.

9.8.1 Permit required. In addition to the required building permit and certificate of occupancy and compliance and such other permits as may be required, a conditional use permit is required for certain land uses listed in the tables, or permitted uses allowed only by issuance of a conditional use permit.

9.8.2 Application.

- a) Application shall be made by the property owner, or a certified agent thereof, to the Board of Adjustment on a form provided. The applicant shall submit sufficient maps, drawings and documents necessary for the planning commission to determine conformance with all the provisions of this chapter.
- b) In considering an application for a conditional use permit, the planning commission shall give due regard to the nature and condition of all adjacent uses and structures. The Board of Adjustment may deny an application for a conditional use permit, or, in granting such a permit, may impose such requirements and conditions with respect to location, design,

construction, maintenance, and operations as it may deem necessary for the protection of adjacent properties and the public interest.

9.8.3 Public hearing and notice. Upon receipt of an application for a conditional use permit, the planning commission shall schedule a public hearing on said application. Notice of the public hearing shall be published in a newspaper of general circulation in Paragould, not less than ten days prior to the date of said hearing. The public notice shall give the particular location of the property and the type of use for which the permit is requested. All costs associated with notification shall be borne by the applicant.

9.8.4 Notice to Surrounding Properties. Mail notice shall also be provided to all properties within 700 feet of the subject parcel. Such notice shall contain the nature of the application and the time and place of public hearing.

9.8.5 Conditions for Approval. The Board of Adjustment may approve a conditional use permit provided it finds the following:

- a) The proposed structure or use conforms to the requirements and intent of this article and the Comprehensive Plan.
- b) Any additional conditions stipulated by the Board of Adjustment as deemed necessary in the public interest have been met.
- c) Such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the City.
- d) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- e) Modifications to the site or proposed use which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
- f) Safety and convenience of vehicular and pedestrian circulation in the vicinity,

including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area; existing zoning and land uses in the area.

- g) Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
- h) Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- i) Adequacy and convenience of off-street parking and loading facilities.
- j) That the proposed use is in accordance with the objectives of this Zoning Ordinance and the purposes of the district in which the site is located.
- k) That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
 - i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term "neighborhood" shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.
 - iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
 - iv. For the purpose of assessing the

architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.

- l) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- m) That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

9.8.6 Revocation of permit for non-compliance.

In the case where any of the specific terms and conditions of a conditional use permit are violated, ignored or otherwise not observed the city inspector or other designated representative has the obligation and authority to revoke said permit. A 10 day written notice shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an official appeal to the Board of Adjustment. If no appeal is filed within the ten day period, and the non-compliance has not been corrected the permit shall be revoked. Revocation of a conditional use permit for any use shall immediately constitute revocation of the applicant's right to conduct business, occupy, rent or otherwise use the subject property for the purpose originally permitted. The subject property shall revert to its use status prior to the issuance of the conditional use permit.

9.8.7 Conditions of Approval.

The Board of Adjustment may establish conditions of approval. Conditions may include but shall not be limited to requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs;

regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses.

9.8.8 Renewal or Lapse of a Conditional Use Approval.

- a) A Conditional Use approval shall lapse and shall become void 1 year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
- b) A Conditional Use approval subject to lapse may be renewed by the City Council for an additional period of 1 year, provided that prior to the expiration date, a written request for renewal is filed with the Director.

9.8.9 Modification of Conditional Use

Permit. Minor revisions or modifications may be approved by the Director if determined that circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed herein.

9.9 VARIANCE PROCEDURE.

- 9.9.1 Purpose.** This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated. When a property owner can show that a strict application of these regulations relating to construction or alteration of buildings or structures will impose practical difficulties

or a particular hardship, the Board of Adjustment may grant variances from the regulations if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the district in which the property is located. Variances may be granted in the following instance only:

- a) Where, by reason of exceptional narrowness, shallowness, depth, or shape of a specific piece of property of record on the date of the passage of these regulations; or where, by reason of exceptional topographic or physiographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provisions of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual taking of such property (as distinguished from mere inconvenience) to such owner, provided such relief can be granted without a substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by restrictions and provisions contained in these regulations. A hardship exists only where the unusual situation or condition is not created by the owner of the property. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.

- 9.9.2 Notice.** The applicant shall provide notice to adjacent property owners and owners of property located across any streets from the subject property. Notification is to be carried out by certified mail at least ten days prior to the public hearing. Applicants must show proof of certified mail, receipt or refusal.

- 9.9.3 Application.** Application for a variance shall be filed with the Director. The application shall include the following:

- a) Name and address of the owner or applicant.
- b) A legal description of the property, which shall include, but not limited to: deed of current ownership (not a Deed of Trust), tax parcel number identification, and street address.

- c) If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d) A statement describing the variance request and the reasons why it complies with the criteria for variances.
- e) The property address and the name and mailing address of the owner of each lot within 700 feet of the subject property and a map with parcels keyed to the ownership and address data.
- f) Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

9.9.4 Review. Within 10 days of the receipt of

an application for Variance, the Director shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations regarding the subject application to the Board of Adjustment.

9.9.5 Public Hearing and Notice. The Board of Adjustment shall conduct a public hearing on the application as prescribed in this Article.

9.9.6 Criteria for Approval. The Board of Adjustment may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- b) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- c) That special conditions and circumstances do not result from the actions of the applicant.
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- f) The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- g) The Variance would observe the spirit of the Comprehensive Plan.
- h) That the Variance requested will not result in any change in use or density of the subject property.

- i) In recommending that any variance be granted, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.
- j) Under no circumstances shall the Board of Adjustment or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance.

9.9.7 Variance to Run with Land or Structure.

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it applies.

9.9.8 Legislative Disposition.

- a) The action by the Board of Adjustment shall examine all such applications, reports, and recommendations transmitted to it and shall take action as it deems necessary and desirable to approve, disapprove, modify, or approve with conditions. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one year from the date such application was denied.
- b) The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

9.10 APPEALS PROCEDURE.

9.10.1 Purpose. This procedure is intended to provide review of actions taken pursuant to the Zoning Regulations where such action is disputed or alleged to be in error.

9.10.2 Decision of Administrative Official. The Board of Adjustment shall hear appeals

(from an administrative decision of the enforcement officer who shall be designated by the city council) concerning interpretation of the zoning regulations and shall decide whether such interpretation was in error or not. Such appeal shall be taken within 10 days following the decision being appealed, and by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Director shall transmit to the Board of Adjustment the record upon which the action appealed was taken.

9.10.3 Appeal of Decision of the Board of Adjustment.

Appeal from the decision of the Board of Adjustment shall be to the City Council within 10 days from the decision of the Board of Adjustment by filing with the Director a notice of appeal, which shall specify the grounds thereof. The Director shall transmit to the Mayor and City Council the record upon which the action was appealed.

9.10.4 Appeal of Decision of the Planning Commission.

Any person aggrieved or affected by Planning Commission may appeal such decision to the Mayor and City Council. Such appeal shall be taken within 10 days following the decision by filing with the Director a notice of appeal, which shall specify the grounds thereof. The Director shall transmit to the Mayor and City Council the record upon which the action was appealed.

9.10.5 Stay of Procedures.

Any appeal shall stay all proceedings in furtherance of such action unless the Director certifies to the Planning Commission or the Mayor and City Council, after the notice of appeal shall have been filed, that by reason of the fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Director shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by a court of record, upon application of the party aggrieved by the action of the Director and after notice and upon due cause shown. At the time of the appeal hearing, the applicant shall be present.

9.10.6 Public Hearing and Notice.

The Planning Commission or Mayor and City Council, as the case may be, shall hold a public hearing within 30 days on the appeal. Upon the

hearing of such appeal, any interested party may appear in person or by an agent or attorney.

9.10.7 Action. The Planning Commission or City Council, as the case may be, shall act on the appeal 10 days following the closing of the public hearing. In exercising the powers set out in this Section, the Planning Commission or City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made. The Director shall notify the appellant by mail of the outcome of the appeal decision.

9.10.8 Appeals from the City Council. Appeals from any action of the Mayor and City Council shall be governed by applicable statutes of the State of Arkansas.

9.11 ZONING AMENDMENT PROCEDURE.

9.11.1 Amendments in Accordance with State Law. The zoning ordinance, including the zoning map, is based on a comprehensive city plan and is intended to carry out the objectives of a sound, stable, and desirable environment. Casual amendments of the ordinance are detrimental to the achievement to that objective. The zoning regulations shall be amended in conformance with the requirements of A.C.A. § 14-56-422 and all subsequent amendments thereto.

9.11.2 Amendment to Zoning Text. The City Council may request that the Planning Commission amend the text of this zoning ordinance or the Planning Commission, of its own accord, may initiate such amendment. Should the planning commission, after study, request a change in the text, it shall conduct a public hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the City Council for action.

9.11.3 Amendment to Zoning Map. The owner or authorized agent of the owner of property may initiate a rezoning by filing an application for a change in district boundaries (rezoning) as prescribed. If the owner of property desires to revise the boundary line of a zoning district, Such owner or legally designated agent shall

submit to the Planning Commission a petition for such rezoning. The petition shall provide the legal description of the property proposed for revision in boundary, a description of the property as it is generally identified or known by the public (such as a street address; or in the case of a large tract, a description of its general boundaries), the zoning classification requested for the property, a map or diagram showing proposed improvements to the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other information determined necessary. The disposition of the petition shall be in accordance with the provisions of [sections] 46-504 and 46-507 below. Such rezoning may also be initiated by the Planning Commission or the City Council.

9.11.4 Notice. Before a recommendation on a proposed zoning amendment may be recommended by the Planning Commission to the City Council, it shall be heard in a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City of Paragould, at least 15 ten days prior to the hearing. The owner/petitioner shall provide notice to the Paragould City Clerk by filing said notice in the office of the clerk at least 15 days prior to the hearing, but in no event later than the publication of notice in the newspaper. Additionally, the owner/petitioner shall submit to the Planning Commission prior to the public hearing evidence that he has contacted in written form the owner or owners of each separate parcel of land that is located within 700 feet adjacent to, or located directly across the street from said lot indicating to each affected owner the content of his rezoning petition as required above. Notice shall also be provided to said owners at least 15 days prior to the hearing. For this purpose, the owner/petitioner shall present a plat map showing the location of affected properties together with the owner of record and written acknowledgment from each owner of receipt of proper notification. Finally, the Director shall cause the owner to place sign(s), the number of which shall be determined by the Director, in conspicuous places on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal,

said signs to be placed on site not fewer than 15 10 days prior to the date of the hearing. The city will furnish the required signs.

9.11.5 Hearing and Approval. If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

- a) The Planning Commission shall conduct the public hearing on the proposed amendment to the ordinance and/or official zoning map.
- b) Following the public hearing, the proposed amendment or change of district boundary may be recommended for approval, approval with modifications, or denial as presented or in modified form by a majority vote of the Planning Commission. Said recommendation shall be made to the City Council together with the reasoning for said recommendation.
- c) If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within 30 days from the date of the hearing.
- d) Following disapproval of a proposed amendment by the planning commission, the petitioner may appeal such disapproval to the city council, provided that the petitioner states specifically in writing to the city clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the city council shall be filed with the city clerk within 10 days after receipt in writing of the planning commission's denial.
- e) The city council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the planning commission or may return the proposed amendment to the planning commission for further study and recommendation.
- f) If the city council does not concur with the recommendation of the planning commission, either as first submitted or as submitted after restudy, the City Council may, by majority vote, amend this chapter by granting the request for amendment in full or in modified form.

9.11.6 Rezoning requests limited. No application for change of zoning for a given property may be re-submitted within 12 months from the date of action by the Commission or legislative body, whichever is later, unless the Commission finds that a substantial reason exists for waiving this limitation. If the City Council does not act on an appeal under this section within 90 days, then the action taken by the Planning Commission or the Board of Adjustment shall be considered ratified by the council. In the event of any appeal to the council, all interested parties entitled to notice for the Planning Commission or the Board of Adjustment, shall be entitled to identical notice prior to the City Council meeting.

9.11.7 Rezoning Applicants Pay for Public Notices. An applicant for a change of zoning shall bear the cost of public notice and any other cost associated with the public hearing.

9.12 ZONING AMENDMENT PROCEDURE FOR PLANNED UNIT DEVELOPMENT.

9.12.1 An applicant for rezoning to planned unit development shall submit an application in accordance with this section and the requirements of the Planned Unit Development District in Article 3.

9.12.2 The Director, along with the Administrative Site and Design Review Committee shall study the master plan, text, and supporting data and, if necessary, recommend conditions for the approval of the plan. The amendatory procedures set out in Section 9.11 of this Ordinance shall govern the processing of an application for PUD.

9.12.3 Within 60 days after the final action on a Planned Unit Development, the applicant shall submit a revised master plan and text to the Director, and said revised plan and text shall incorporate any and all conditions imposed upon the proposed development for approval. If no revised plan has been submitted within the required 60-day period the application shall be deemed withdrawn. If the plan and text was approved by the governing authority with no conditions or revisions, then no revised outline plan or text shall be required.

9.12.4 If an application for an amendment to classify property in the PUD District is denied

by the governing authority, reapplication requesting the same PUD amendment may not be filed within 18 months of the date final action was taken on the previous application, unless an alternate time frame is approved by the governing authority.

9.12.5 No building permit shall be issued until a final plan of the proposed development, or phase thereof, is received and filed with the City.

9.12.6 Amendment to PUD Master Plan. An application for an amendment to a master plan shall be filed with the Director. The procedure for amending the outline plan shall be the same as that required for the initial establishment of the PUD.

9.13 PERMITTING REQUIREMENTS.

9.13.1 Director Responsible. The provisions of these regulations shall be enforced by the Director or other administrative staff person as designated by the City Council.

9.13.2 No structural improvements Without Permit. No structure shall be erected, moved, added to, or structurally altered without a building permit. Construction, erection, moving or additions or any structural alteration shall be commenced within six months of the issuance of the building permit and shall be completed within 18 months one year of the issuance of said permit. The Director may issue an extension in the event of hardship to be determined by the Director. Otherwise, an additional permit must be obtained.

9.13.3 Building permit application. A building permit will be issued only when the application has been approved by the Director as meeting requirements of these regulations. All applications for building permits shall be accompanied by a plan showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and its location on the lot, a floor plan, the use, and such other information as may be necessary to provide for the enforcement of these regulations.

9.13.4 Certificate of occupancy and compliance required for use. It shall be unlawful to use or permit the use of any building, structure, and/or premises hereafter altered, extended, or erected,

until after the issuance of a certificate of occupancy and compliance shall be applied for coincident with application for a building permit.

9.13.5 Inspection required. A certificate of occupancy and compliance will be issued only when final inspection of the building, structure, and/or premises has been made and certified for occupancy the building inspector. Subject building, structure, and/or premises must meet all legal requirements in conformity with this zoning regulation and all pertinent building, housing, plumbing, fire, electrical, and similar codes of the City of Paragould.

9.13.6 Survey requirements. Prior to the building inspector inspecting the footing of any building under construction, the building inspector shall be provided a survey, prepared by a licensed surveyor, reflecting the fact that said building under construction is situated on the site in such a way that it does not violate any setback requirements of the zoning classification in which the building is located. All survey markers must be in place at the time of the footing inspection for verification of said setback compliance by the building inspector. In the event that permanent survey markers are in place on the building site, the building inspector may waive the requirement for a current survey.

9.14 ENFORCEMENT AND PENALTIES.

9.14.1 Enforcement.

- a) The Director shall enforce this Ordinance according to this Section or, in the case of signs, Section 8.11. The Director may be provided the assistance of such other persons as the Mayor and City Council.
- b) If the Director finds that any of the provisions of this ordinance are being violated the Director shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- c) The Director shall order discontinuance of use and/or construction or demolition of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal use or work being done; or shall take any other action

authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

9.14.2 Enforcement Remedies.

- a) If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City Council and/or the Director may, in addition to other remedies, institute in the name of the City of Paragould any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this ordinance.
- b) Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances, conditional use, or planning approval) shall constitute a misdemeanor.
- c) Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.
- d) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to remedy any violation.

9.14.3 Penalties.

- a) Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500.00, nor less than \$100.00. Each day such violation is permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof where anything in violation of this chapter 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 in this section. Each day such a violation continues shall be considered a separate offense after the 30 days from the date of written notification.

- b) The owner of any structure or premises, where any condition in violation of this Ordinance shall exist or shall be created shall be guilty of an offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Forbearance in enforcement of this Ordinance shall not be deemed the condoning of any violation thereof.
- c) In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the City may commence and prosecute appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such non-compliance. Violation of any provisions of this Ordinance is hereby declared to be a nuisance per use, and the Court shall order such nuisance abated.

9.15 FEES AND EXPENSES.

- a) The Mayor and the City Council shall establish a schedule of fees, charges, and expenses and a collections procedure for building permits, certificates of zoning compliance, appeals, applications for amendments, approval of special plans, planning approvals, conditional uses, variances, site plan review, and other matters pertaining to this ordinance.
- b) The schedule of fees shall be maintained in the office of the Director and may be altered or amended by the Mayor and City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

- c) The cost of any required public notice in this Ordinance shall be born by the applicant

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ARTICLE 10

IN THIS ARTICLE:

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ARTICLE 10 - DEFINITIONS

10.1 GENERAL.

Unless the context otherwise requires the following definitions shall be used in the interpretation and construction of this chapter; words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "building" includes the word "structure" and the word "used" includes arranged, designed, converted, constructed, altered, rented, leased, or intended to be used; the word "shall" is mandatory and not directive; and the word "person" includes a firm, partnership, or corporation as well as an individual.

10.2 INTERPRETATION.

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- a) Words in the present tense shall include the future tense.
- b) The singular shall include the plural, and the plural shall include the singular.
- c) The masculine gender shall include the feminine and the neuter and vice-versa.
- d) The word "lot" includes the word "plot," "parcel," or "tract."
- e) The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
- f) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- g) Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

10.3 DEFINITIONS.

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

A

Accessory building or use. The subordinate structure located on the same lot with the main structure, (except in the case of off-street parking space) or a subordinate use of land, either of which is customarily incidental to the main structure or to the principal use of the land. Where a substantial part of the wall of the accessory structure is a part of the wall of the main building or where an accessory structure is attached to the main building in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the main structure. An accessory use includes, but is not limited to the following:

- a) Keeping of domestic animals for personal enjoyment or household use, but not including a commercial stable or kennel.
- b) Domestic or agricultural storage.
- c) Home occupation (See definition in this section.)
- d) Incinerator incidental to a principal use.
- e) Storage of merchandise normally carried in stock in connection with a commercial or manufacturing use.
- f) Accessory signs.

Alley. A minor public way used for utility easements and vehicular services access to the back or the side of properties abutting a street.

Apartment. A multiple family dwelling (see "dwelling, multiple").

Appurtenance. An improvement, excluding accessory buildings, detached from the principal structure and located on the same lot. Examples include: TV satellite dishes, swimming pool, and ham radio transmitter.

Automobile junk or salvage yard. An area outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts or motor vehicles are stored.

B

Basement. A story whose floor is more than one foot, but not more than one-half of its story height below the average level of the adjoining ground (as distinguished from a cellar, which is used as a

dwelling, shall be counted as a story for purposes of height measurements and as a half story for purposes of side yard determination).

Bed and breakfast inn. A use (1) that takes place within a building that was designed and used as a single family detached dwelling, (2) that consists of a single dwelling unit together with the rental of one or more rooms on a daily or weekly basis to tourists, vacationers, or similar transients, (3) where provision of meals, if provided at all, is limited to the breakfast meal, and (4) where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one full-time employee.

Board of adjustment. The Board of Adjustment of the City of Paragould is the planning commission, as appointed by the mayor and approved by the city council.

Boarding or lodging home. A dwelling or part thereof where meals and/or lodging are provided for compensation for two or more persons not transients.

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; the word building shall include the word structure.

Building groups. Any attached or unattached series of buildings intended for different uses.

Block front. All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

Building coverage. The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

Building, height of. The vertical distance measured from the average elevation of the finished 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 that are not intended for occupancy or internal usage by persons.

Building, main or principal. A building in which is conducted or intended to be conducted, the main or principal use of the lot on which said building is located.

C

Cellar. A story the floor of which is more than one-

half of its story height below the average contact ground level at the exterior walls of the buildings.

Child care center. Any place, home, or institution which receives seven or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, which received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

Child care family home. A child care center as defined in this section that provides care for a maximum of six children. See child care center.

City council. The legislative body of the City of Paragould, Arkansas

Clinic, dental or medical. A facility for the examination and treatment of ill and afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions.

Common useable open space. That portion of land or an area of water or a combination of land and water within the site designated and intended for use and enjoyment of residents and owners of the planned unit development and easily accessible to all residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the unit development but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use.

Conditional use. A conditional use is a use allowed in a designated zoning district only upon the owner/developer's compliance with various special conditions imposed by the planning commission. Special conditions such as site improvements, buffers, ingress and egress controls, number of occupants or employees, hours or days of operation, control of light and noise may be required to enable a proposed land use to function with minimal conflicts on neighboring properties and implement the policies of the land development plan.

Condominium. The word "condominium" denotes

a form of ownership permitted for residential units within a R-4 residential zone. Said form of ownership provides for residential units to be individually owned, each owner receiving a recordable deed enabling the owner to sell, mortgage, or exchange a residential unit independent of the owners of any other residential unit within a horizontal property regime as defined by Arkansas law. See also Townhome. ~~Densities of the condominium development shall be specifically addressed in the application to the planning commission to approve the development and shall be subject to review and approval by the planning commission.~~

Country club. A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, tennis, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Court. An open, unoccupied, and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Coverage, lot or site. The percentage of the lot or site area permitted to be covered by a building or buildings.

D

Distance between structures. The shortest horizontal distance measured between the outside walls of two structures.

Discontinuance of a nonconforming use of land, or sign. Discontinuance of a nonconforming use of land or sign shall mean the discontinuance of the activity and removal of all nonconforming above-surface improvements, equipment, signs, goods, and materials. The requirement of removal shall not apply to contents of a dump.

District, zoning. Any section, sections, or divisions of the city for which the regulations governing the use of land density, bulk, height, and coverage of buildings and other structures are uniform.

Drive-in commercial uses. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling. Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including travel trailers.

Dwelling, attached. A dwelling having any portion of one or more walls in common with adjoining dwellings.

Dwelling, detached. A dwelling having open space on all sides.

Dwelling, single-family. A dwelling designed to be occupied by one family.

Dwelling, two-family. A dwelling designed to be occupied by two families living independently of each other.

Dwelling, multi-family. A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, motels, hotels, or inns. This would specifically include condominiums which are defined as a residential building consisting of multiple units, each under individual ownership, but subject to certain joint agreements and regulations.

Dwelling, rear dwelling. Any structure (whether movable or immovable) which is designed primarily for use for residential purposes and which is located or proposed to be located behind and on the same lot or parcel as an existing residential structure and which is not connected by a common wall.

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

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

F

Family. One or more persons related by blood or marriage, including adopted children, or a group or not to exceed four persons not all related by blood or marriage, occupying premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

FEMA. The Federal Emergency Management Agency, the federal agency that issues flood plain maps for flood insurance purposes.

Floor area. The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior walls or from the center line of walls separating two buildings.

G

Garage, private. An accessory building or a part of a main building used for storage purposes only, designed for automobiles used solely by the occupants and their guests of the building to which it is necessary.

Gasoline or service station. Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, major repairs, or automatic washing facilities.

H

Hardship. Special and unique circumstances affecting a particular lot or parcel of land, including; extreme slopes, wetlands and springs, natural and cultural resources that should not be developed or altered, irregular lot size or shape not caused by the owner. The normal and usual financial requirements necessary for quality development as encountered by the owner or developer are not considered hardships.

Home occupation. A use conducted entirely within an enclosed dwelling which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

Hotel. A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which room provisions for cooking are generally not made, and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage, or building where persons are housed under restraint.

I

Institution. An establishment providing for resident and/or aid to persons for charitable, educational, corrective, or religious purposes.

J

Job Shop, Small Scale. The production, fabrication, processing or assembly of goods in facilities 5000 square feet or less in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise

or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

Job Shop Large Scale. The production, fabrication, processing or assembly of goods in facilities greater than 5000 square feet in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

K

Kennel, commercial. A place where five or more dogs, ten weeks in age or older, are kept.

L

Lot area. The product of the width multiplied by the length of a zoning lot, or the generally accepted geometrical calculation for irregularly shaped lots.

Lot, back-up or through. An interior lot whose rear line abuts on a thoroughfare other than an alley.

Lot, corner. A lot located at the intersection of and abutting two or more streets.

Lot depth. The mean horizontal distance between the front lot line and rear lot line of a zoning lot.

Lot, interior. Any zoning lot which is not a corner lot.

Lot line. A boundary of a zoning lot.

Lot line, front. The street line at the front of a zoning lot. The owner, for the purposes of this chapter shall have the privilege of selecting any street lot line as the front lot line.

Lot line, rear. The lot line opposite and most distant from the front lot line.

Lot line, side. A lot line which is not a front lot or a rear lot line.

Lot width. The mean horizontal distance between the side lot lines of a zoning lot.

Lot, zoning. A piece, parcel, or tract of land which is located within a single block fronting on an improved and accepted public street, and is occupied or utilized, or designated to be occupied, developed, or utilized as a unit under single ownership or control for a principal use and uses

accessory thereto, together with such open spaces as are required by the ordinance.

M

Manufactured home. A detached dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site as a permanent residential structure with transport features removed, bearing a seal certifying that it is built in compliance with the current Federal Manufactured Housing Construction and Safety Code.

Master street plan. The master street plan consists of a written text and supporting map(s) that sets forth the minimum standards for street design and construction and indicate the functional classification of existing and proposed roadways within the City of Paragould's Planning Jurisdiction.

Mobile home. Any residential dwelling that is constructed on a structural frame for transport and relocation that does not meet the definition herein before described as a manufactured home.

Mobile home park. Any lot or plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation, but excluding any lot upon which a single mobile home is permitted by the planning commission.

N

Nightclub. A facility designed for entertainment purposes which serves alcoholic beverages of any kind, including beer or wine, and permits dancing.

Nonconforming. That which does not meet the requirements of the use district in which it is located at the time of the effective date of these regulations.

Nonconforming use of land. That which does not conform to the permitted uses of the district in which it is located and which does not utilize a principal or permanent structure.

Nonconforming use of structure. That which does not conform to the permitted use of structure of the district in which it is located and that which has a nonconforming uses as the principal use of the structure.

Nonconforming use. Any lawful use of a building, structure, or land which does not conform to the applicable use regulations for the district in which

it is located, either at the effective date of this chapter or as a result of a subsequent amendment thereto. No existing principal use shall be deemed nonconforming because of lack of required off-street parking or loading space.

Nursing home. Any premises where more than three persons are lodged and furnished with meals and nursing care.

O

Open space. Area in any side, rear, or front yard or any other unoccupied space on a lot that is open and unobstructed to the sky except for ordinary projection of cornices, eaves, or porches.

Open use of land. A use which does not involve improvements other than grading, drainage, fencing, surfacing, signs, utilities, or accessory structures. Open uses of land involve, but not limited to auto wrecking yards, junk or salvage yards, dumps, sales yards, storage yards, and race tracks.

P

Parking lot. An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parking space. An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parklet. A parklet is a sidewalk extension that provides space for outdoor dining. Parklets are intended to be temporary seating and serving areas installed on parking lanes which can use several parking spaces. Parklets shall allow a business to serve its full-service menu outdoors. Parklets typically extend out from the sidewalk at the level of the sidewalk to the width of the adjacent parking space complete with seating, landscaping, lighting, bike racks, and other amenities. All parklets are required to meet ADA requirements. Please refer to the Parklet Design Guidelines which can be provided by the City Inspector.

Planned unit development. A planned unit development (PUD) is a comprehensively planned residential, commercial or office, land development project in which the standard requirements of

the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternatives to public facility improvements.

Planning commission. The City Planning Commission, City of Paragould, Arkansas.

Planning jurisdiction. The Planning Jurisdiction of the City of Paragould is that area indicated on an officially adopted map that includes the corporate limits of the city and those areas beyond the corporate limits up to a distance of five miles, where the city council and planning commission have determined that the community will eventually grow and develop. Zoning jurisdiction is limited to the corporate boundaries. Subdivision regulations may be enforced outside the corporate limits through cooperation with officials of the Greene County Government.

Portable storage container. A portable storage unit shall mean any container, storage unit, shed like container or other portable structure that can be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building: which includes but not limited to: cargo containers, shipping containers, truck boxes, truck trailers and train cars.

Principal use. The specific primary purpose for which land, building, or structure is used or intended to be used.

Private drives.

- a) A road or driveway which has not been dedicated for public use and accepted into the city's maintenance program, except as set out herein, Only one permit for residence can be issued on a private drive. A second permit on a private drive must be approved by the city council.
- b) A private drive may be recommended to the city council by the planning commission when said private drive is designed to accommodate multifamily dwellings or apartments.
- c) Private drives that are used to accommodate duplexes, apartment complexes and mobile home parks must meet specifications for streets in the City of Paragould including width and quality of construction.

Profession. A vocation requiring specialized

knowledge and skills in some department of learning or science. The following criteria must be met to be considered a profession under this section:

- a) Graduate of a recognized College or University.
- b) A Profession Licensed by the State of Arkansas.

Professional office. An office in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sales to customers.

Public utility. Any person, firm, corporation, municipal department, board or commission, duly authorized to furnish and furnishings to the public, electricity, gas, television cable, telecommunications, transportation, drainage, water, or sanitary sewage.

S

Scrap yard. Any land or area used, in whole or in part, for commercial storage and/or sale of scrap iron and metals for re-melting purposes, and other related items such as hides, automobiles and truck bodies and engines, batteries, waste paper, rags, and other scrap which is not to be sold for the purpose for which it was originally intended.

Salvage yard. Any land or area used, in whole or in part, for commercial storage of used motor vehicles for the primary purpose of selling parts from used cars, trucks, or machinery.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, to the nearest vertical wall or a building or structure.

Sight triangle. A triangular shaped piece of land established at a street intersection in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

Sign. A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of an announcement, direction, advertisement, or other attention directing device. A sign shall not

include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign area. The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.

Signs, accessory. A sign that is incidental to the principal use of the structure or land on the lot on which the sign is located.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of each story.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Structural alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

T

Tap room. A facility designed for the consumption of beer or wine along with some items of food which does not have a license to sell any other alcohol beverages, either on premises or off premises, and which does not permit dancing.

Townhome. A single-family dwelling unit constructed in a group of three or more attached units, where each unit extends from foundation to roof and has open space on at least two sides, with

individual exterior entrances and private outdoor space. Each unit is separated from adjoining units by one or more vertical common walls extending from foundation to roof, with no units constructed above another unit. Each unit is located on its own individual lot or parcel which may be separately owned.

V

Variance. A deviation from these regulations that requires approval of the planning commission, board of zoning adjustment, city council or city staff to be legal. Variances shall be granted only when a clear demonstration of a hardship, as defined herein is presented by the applicant.

Y

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 line and the main building or any projections thereof other than the projections of the 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 entrance ways.

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.

Z

Zero lot line. A residential development that has no side yard and where a common wall exists or anticipated between dwellings that are located on the property line.

Zoning Ordinance. See "Ordinance." Also to include "Zoning Regulations."

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