

CITY OF PARAGOULD

ZONING ORDINANCE

ORDINANCE # 99-4

AMENDED

2017 EDITION

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**ZONING ORDINANCE
PARAGOULD ARKANSAS**

SECTION 1. TITLE, AUTHORITY, ADMINISTRATION, PURPOSE, NATURE AND APPLICATION OF ZONING ORDINANCE OF THE CITY OF PARAGOULD, ARKANSAS.

1.0 TITLE

This Ordinance shall be known and may be cited as the “The Paragould Zoning Ordinance” and may be cited as such.

1.1 AUTHORITY

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, 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.

1.2 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 Ordinance, 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.

1.3 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 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.

2.0 ESTABLISHMENT OF DISTRICTS

2.1 The Official Zoning Map

The City of Paragould is hereby divided into zones or districts as shown on the Official Zoning Map, which (together with all explanatory matter thereon) is hereby declared to be a part of these regulations and which shall be the final authority for the current zoning status of lands and buildings in the City of Paragould.

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

2.2 Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 2.2.1** District boundary lines are intended to be along or parallel to the center line of streets, alleys, railroads, easements, other rights-of-way, creeks, streams, or other water channels.
- 2.2.2** District boundary lines are intended to be along or parallel to property lines or the lot lines of platted additions.
- 2.2.3** In the absence of specific distances, such dimensions shall be determined by the scale of the official map, or by supplemental filings with more precise legal descriptions of specific parcels.
- 2.2.4** When the street or property layout existing on the ground is a variance with that shown on the Official Zoning Map, the City Planning Commission shall interpret the district boundaries of these regulations.

2.3 Use Areas, Zones, or Districts

Descriptions of districts and permitted uses therein shall be as designated by color, mark, or description on the Official Zoning Map as described in 2.1.

2.4 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.

2.5 Application of Zoning District Regulations

- 2.5.1** 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 (BCE).
- 2.5.2** The uses permitted or prohibited in each zoning district establish the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted or prohibited within the respective zoning district.
- 2.5.3** When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission shall determine whether said use is compatible (i.e., in character with other uses in the district) and shall recommend to the City Council for authorization of said use to be established or disallowed. The Planning Commission shall decide each application on its merits, taking into consideration such

factors as existing uses, access, location, major streets, plans, etc. The Planning Commission and City Council may impose conditions under which a use may be permitted in order to ensure compatibility. The finding of a use to be compatible in one location does not imply that the same use is compatible at another location, even within the same zoning district. Any application under this section shall be required to meet all notice requirements as set out in Section 22.4.

2.5.4 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.

2.5.5 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.

2.6 Building Groups

Plans for all building groups shall be submitted to the Planning Commission for approval to ensure that such building groups shall conform to the character of the district. Requirements of these regulations may be waived at the discretion of the Planning Commission where such waiver does not nullify the intent of the regulations and where waiver will facilitate a more desirable design for building groups. Such waiver must be approved by a majority of the members of the Planning Commission and the reasons therefor entered into the minutes of the meeting.

3.0 DEFINITIONS

GENERAL

Unless the context otherwise requires the following definitions shall be used in the interpretation and construction of this Ordinance; 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.

3.1 Accessory Building or Use

A 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. No building permit for an accessory building or accessory structure shall be issued under any circumstances unless the main structure or building has been constructed and is in use. An accessory use includes, but is not limited to the following:

- 3.1.1** Keeping of domestic animals for personal enjoyment or household use, but not including a commercial stable or kennel.
- 3.1.2** Domestic or agricultural storage.
- 3.1.3** Home occupation (See definition in this section.)
- 3.1.4** Incinerator incidental to a principal use.
- 3.1.5** Storage of merchandise normally carried in stock in connection with a commercial or manufacturing use.
- 3.1.6** Accessory signs.

3.2 Alley

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

3.3 Apartment

A multiple family dwelling (see “Dwelling, Multiple”).

3.4 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.

3.5 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.

3.6 Basement

A story whose floor is more than one (1) foot, but not more than one-half (½) 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).

3.7 Bed & 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.

3.8 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.

3.9 Boarding or Lodging Home

A dwelling or part thereof where meals and/or lodging are provided for compensation for two (2) or more persons not transients

3.10 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.

3.11 Building Groups

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

3.12 Block Front

All of the property on one side of the street between two (2) intersecting streets or between an intersecting street and the dead end of a street.

3.13 Building Coverage

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

3.14 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.

3.15 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.

3.16 Cellar

A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the buildings.

3.17 Child Care Center

Any place, home, or institution which receives seven (7) or more children under the age of sixteen (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.

3.18 City Council

The legislative body of the City of Paragould, Arkansas

3.19 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.

3.191 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.

3.20 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.

3.21 Condominium

For the purpose of the R-4 Residential Zone, 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. 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.

3.22 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.

3.23 Court

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

3.24 Coverage, Lot or Site

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

3.25 Day Care Family Home

A child care center as defined in section 3.17 that provides care for a maximum of six (6) children.

3.26 Distance between Structures

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

3.27 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.

3.28 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

3.29 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.

3.30 Dwelling

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

3.31 Dwelling, Attached

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

3.32 Dwelling, Detached

A dwelling having open space on all sides

3.33 Dwelling, Single-Family

A dwelling designed to be occupied by one family.

3.34 Dwelling, Two-Family

A dwelling designed to be occupied by two families living independently of each other.

3.35 Dwelling, Multi-Family

A dwelling designed for occupancy by three (3) 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.

3.36 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.

3.37 Dwelling, Townhouse or Row House

Two (2) 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 (1) family.

3.38 Dwelling Unit

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

3.39 Family

One or more persons related by blood or marriage, including adopted children, or a group or not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

3.40 FEMA

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

3.41 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.

3.42 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.

3.43 Garage, Public or Repair

A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

3.44 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.

3.45 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.

3.46 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. Specifically excluded is any activity involving building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from the lot on which located. Any occupation or profession carried on only by the inhabitants and which is conducted entirely within the main building; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one (1) non-illuminated accessory identification sign, not more than six (6) square feet in area

attached to the main building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. Multi-level marketing consisting of individual sales and low intensity distribution (limited to two rooms) is allowed.

The term "Home Occupation" may include the following uses, provided they meet the provisions set forth in this section:

3.46.1 Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom apparel and custom home furnishings.

3.46.2 Fabrication and/or assembly of handicraft articles, not involving heating, refining, chemical, or similar processes.

3.46.3 Foster family care (not more than four (4) children at one time unless they are members of the same family).

3.46.4 Laundering or pressing.

3.46.5 Professional office.

3.46.6 Rooming or boarding of not more than one (1) person.

3.46.7 Teaching or tutoring, limited to one (1) pupil at a time.

3.46.8 Beauty or barber shop, provided:

(a) Conducted in main building only,

(b) Diagram of the home, with the location of the shop indicated, is submitted and approved by the Planning Commission, and

(c) Two (2) off-street parking spaces are provided in addition to the normal residential parking, with a minimum of three (3) off-street parking spaces.

The term "Home Occupation" shall not be interpreted to include any of the following uses: commercial kennel or stable, sales to customers on the premises, veterinary surgeon, commercial repair of automobiles, appliances, or similar items.

3.47 Hospital

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

3.48 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.

3.49 Institution

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

3.50 Kennel, Commercial

A place where five (5) or more dogs, ten (10) weeks in age or older, are kept.

3.51 Land Development Plan

The Land Development Plan consists of a written text and supporting maps that state the existing conditions in the community and future development patterns and practices that will promote orderly growth. The policies adopted in the Land Development Plan are the guiding concepts used by the Planning Commissions and City Council in the administration of the Zoning Ordinance.

3.52 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.

3.53 Lot, Back-up or Through

An interior lot whose rear line abuts on a thoroughfare other than an alley

3.54 Lot, Corner

A lot located at the intersection of and abutting two (2) or more streets

3.55 Lot Depth

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

3.56 Lot, Interior

Any zoning lot which is not a corner lot

3.57 Lot Line

A boundary of a zoning lot

3.58 Lot Line, Front

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

3.59 Lot Line, Rear

The lot line opposite and most distant from the front lot line

3.60 Lot Line, Side

A lot line which is not a front lot or a rear lot line

3.61 Lot Width

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

3.62 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.

3.63 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.

3.64 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.

3.65 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.

3.66 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.

3.67 Nightclub

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

3.68 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 Ordinance 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.

3.69 Nursing Home

Any premises where more than three (3) persons are lodged and furnished with meals and nursing care.

3.70 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.

3.71 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.

3.72 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.

3.73 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.

3.731 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.

3.74 Planning Commission

The City Planning Commission, City of Paragould, Arkansas

3.75 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.

3.76 Principal Use

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

3.77 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 below in section (B), 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 such as duplexes in an R2 zone or apartment complexes and mobile home parks in an R3 zone. 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 in order to accommodate school buses, mail carriers, garbage trucks, fire trucks and police units. Any adverse decision of the Planning Commission relating to applications for private drives as set out herein may be appealed to the City Council. Said appeal must be filed within 30 days of an adverse ruling by the Planning Commission.

3.78 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 ordinance;

1. Graduate of a recognized College or University.

2. A Profession Licensed by the State of Arkansas.

3.79 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.

3.80 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.

3.81 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.

3.82 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.

3.83 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.

3.84 Sign

A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature 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.

3.85 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.

3.86 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.

3.87 Sign Advertising

A sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold, or offered elsewhere than upon the lot on which the sign is located.

3.88 Sign, Bulletin

An accessory board or sign erected by a church, school, community center, public agency, or institution on its own premises for announcement purposes.

3.89 Sign, Business

An accessory sign which directs attention to a profession, business, commodity, or service conducted, sold, or offered on the same zoning lot.

3.90 Sign, Identification

An accessory sign whose content is limited to the name and/or occupation of the occupant of the premises.

3.91 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 (2) opposite exterior walls are not more than four (4) feet above the floor of each story.

3.92 Street

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

3.93 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.

3.94 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.

3.941 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.

3.95 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.

3.96 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

3.97 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.

3.98 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

3.99 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 the side of the main building or any projection thereof.

4.00 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.

4.0 ZONING DISTRICTS ESTABLISHED

4.1 RESIDENTIAL DISTRICTS

The residential zoning districts are intended as areas of residence with related uses for such things as churches, schools, home occupations, select low intensity professional uses and recreational facilities allowed only by conditional use permit to insure protection of the residential uses.

- 4.1.1** Residential zoning district R-E is of the lowest density for single family detached dwellings and is an area protected from all commercial and industrial uses. Typically associated with large lot suburban estates of one fourth acre per dwelling unit or larger.
- 4.1.2** Residential zoning district R-1 is of relatively low density for single-family detached dwellings and is an area protected from all commercial and industrial uses. Typically associated with established single family neighborhoods in the urbanized area of the City.
- 4.1.3** Residential zoning district R-2 is of higher density than R-1, permitting single family, duplex, triplex, quadplex and multi-family structures on relatively small lot areas. In no event shall more than four (4) apartment units be constructed on any lot in an R-2 zone.
- 4.1.4** Residential zoning district R-3 is reserved for large scale (1 acre or more) residential developments designed to provide innovative and alternative housing. The R-3 district is intended to allow and encourage affordable housing through small lots, mixed single family and multi-family dwellings, manufactured home subdivisions and energy efficient community development. Compliance with the City of Paragould Regulations may be a conditional of approval for an R-3 rezoning. ****1.**

****1.** Special circumstances such as fires, floods, earthquakes and other disasters may create situations where smaller parcels of property would be suitable for alternative replacement housing. The R-3 designation can be used in such instances.

- 4.1.5** Residential zoning district R-4 is reserved for condominiums only. The word condominium denotes a form of ownership permitted for residential units within a R-4 residential zone. The R-4 district is intended to allow for the development of condominiums. 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 within a horizontal property regime as defined by Arkansas law and in the Paragould Zoning Ordinance. Compliance with the City of Paragould regulations may be a condition for approval, for an R-4 rezoning.

4.2 COMMERCIAL DISTRICTS

Commercial Zoning Districts are intended for the conducting of business and the providing of services.

- 4.2.1** Central Business District (CBD) is the designation for the historic retail center of the community, as defined on the zoning map. A variety of retail, wholesale, professional and governmental functions have developed in the CBD over the past one hundred plus years. The intent of the CBD district regulations is to encourage a diversity of uses that sustain the historic character of the downtown.
- 4.2.2** Commercial Use District C-1 is the designation for retail centers for “shopping goods” and also for banking, offices, commercial recreation, and restaurants for the City and region.

4.2.3 Neighborhood retail-service Use District C-2 is to provide locations for the conduct of retail trade and the location of and training for personal-service enterprises to meet the regular needs of, and for the convenience of, people in adjacent residential areas. The types of uses authorized in this District are limited to those that serve or train individuals to serve the everyday needs of the household.

4.2.4 Highway Business District C-3 is to permit and encourage the grouping, in defined areas along highways, of certain retail activities, and services intended primarily to serve (and dependent upon) the motoring public. In addition, the district is intended to accommodate miscellaneous commercial enterprises serving the consumer public, industry, and agriculture.

4.2.5 Office/Professional District OP is to permit and encourage business and professional offices and related administrative functions. Retail activities, outside storage, and other business uses are prohibited in this district.

4.3 RESIDENTIAL DISTRICT REGULATIONS

4.3.1 Uses Allowed: (“P” indicates the use is permitted. “C” indicates the use is permitted only by an issuance of a Conditional Use Permit. “N” indicates the use is prohibited.)

	R-E	R-1	R-2	R-3	R-4
a. Single-family structure	P	P	P	P	N
b. Two-family structure	N	N	P	P	P
c. Multi-family structure	N	N	P	P	N
d. Manufactured Home	P	P	P	P	N
e. Mobile Home	N	N	P/3	P/3	N
f. Mobile Home Parks	N	N	N	P/3	N
g. Churches and educational buildings	P	P	P	P	P
h. Public parks, playgrounds, recreational buildings	P	P	P	P	P
i. Private playgrounds and swimming	P	P	P	P	P
j. Hospitals and nursing homes	N	N	P	P	N
k. Libraries, museums (public)	C	C	C	C	C
l. Home occupations	C/14	C/14	C/14	C/14	C/14
m. Public and private schools, and kindergartens	N	C/1	C/1	C/1	C/1
n. Condominium	N	N	N	N	P/1
o. Day care family home	N	N	C/1	C/1	C/1
p. Clubs, lodges, etc.	N	N	C/1	C/1	C/1
q. Golf courses, except commercial miniature golf	P	P	P	P	P
r. Public utility sup and pump stations	P/4	P/4	P/4	P/1	P/4
s. Bed & breakfast inns	N	N	C/1	C/1	C/1
t. Accessory buildings	P/5	P/5	P/5	P/5	P/5
u. Assisted Living Facility	N	N	C/1	P	N

/1 See section 16.0 of this regulation

/2 See section 10.0 of this regulation

/3 See section 15.0 of this regulation

/4 This use permitted if housed in buildings that harmonize with the character of the neighborhood and having adequate fences and other safety devices. Refer also to Section 2.5.3.

/5 The City Building Inspector shall ensure that all accessory buildings comply with the Electrical Code, the Plumbing Code, and the City Zoning Code, including but not limited to set back and square feet requirements. In instances where the Building Inspector refuses to issue a building permit on a proposed accessory building, the applicant may appeal the building inspector’s decision to the Board of Adjustment. Decisions by the Board of Adjustment may be appealed to the City Council. All appeals must be made within two weeks of an adverse decision.

4.4 Area Requirements – Residential Buildings

4.4.1 Minimum lot area in square feet

	R-E	R-1	R-2	R-3	R-4
Minimum lot area (in square feet)					
a. Single-family dwelling	11,000	8,600	5,000	3,750	N/A
b. Two-family dwelling	N/A	N/A	5,000	7,000	N/A
c. Triplex	N/A	N/A	sq. ft. of structure cannot exceed 40% coverage of the lot	7,500	N/A
d. Minimum additional area Dwelling unit over four	N/A	N/A	sq. ft. of structure cannot exceed 40% coverage of the lot	9,000	N/A
e. Mobile home parks	N/A	N/A	N/A	1 ACRE	N/A
f. Condominium	N/A	N/A	N/A	N/A	1 ACRE

4.4.2 Minimum Yard, Single Family (in ft)

	R-E	R-1	R-2	R-3	R-4
a. Front	35	25	25	25	N/A
b. Side (minimum)	20	10	5	5	N/A
c. Side (street)	25	10	10	10	N/A
d. Rear (from property line)	15	15	15	15	N/A

4.4.3 Minimum Yard, Two-family (in feet) R-2 and R-3 only

	R-2	R-3
a. Front	25	25
b. Side (each, minimum)	5	5
c. Side (street)	10	10
d. Rear (from property line)	15	15

4.4.4 Minimum Yard, Multi-family (in feet) R-2 and R-3 only

	R-2	R-3
a. Front	25	25
b. Side (each, minimum)	5	5
c. Side (street)	10	10
d. Rear (from property line)	15	15

4.4.5 Minimum Yard, mobile home park (in feet) R-3 only

	R-3
a. Front	25
b. Side	10
c. Back	10

4.4.6 Minimum yard, condominium (in feet) R-4 only

	R-4
a. Front	25
b. Side (minimum)	O/C
c. Side (street)	15
d. Rear (from property line)	15

4.4.7 Minimum lot width (at front building line in feet)

	R-E	R-1	R-2	R-3	R-4
a. Single-family dwelling	100	80	50	50	N/A
b. Two-family dwelling	N/A	N/A	50	0	N/A
c. Triplex	N/A	N/A	60	75	N/A
d. Add. Width for ea. Dwelling Unit over 4	N/A	N/A	80	80	N/A
e. Condominium	N/A	N/A	N/A	N/A	100

4.4.7.1 Minimum yard, accessory building (in feet)

a. Front	35	25	25	25	25
b. Side (minimum)	20	10	5	5	O/C
c. Side (street)	25	10	10	10	15
d. Rear (from property line)	10	10	10	10	10

4.4.8 On-lot parking (spaces per dwelling unit)

	R-E	R-1	R-2	R-3	R-4
a. Single-family	2	2	2	2	N/A
b. Two-family	N/A	N/A	2	2	N/A
c. Multi-family	N/A	N/A	2	2	N/A
d. Condominium	N/A	N/A	N/A	N/A	/C

4.4.9 Maximum height

a. Single-family & two-family Ft. above mean surface elevation	45	45	45	45	N/A
b. Multi-family Ft. above mean surface elevation	N/A	N/A	N/A	60/6	N/A

/6 All structures more than two (2) stories in height or thirty-five (35) feet measured from the foundation to the highest part of the roof line shall be required to increase the side yard by one (1) foot for every additional foot of height.

4.4.10 Permitted signs (square feet)

	R-E	R-1	R-2	R-3	R-4
a. Private use (advertise sale or rent of premises)	6	6	6	6	6
b. Community use (e.g. church, lodge, hospital)	12	12	12	12	12
c. Commercial use (advertisement, billboards)	N/A	N/A	/7	/7	N/A
d. Home occupations (attached to building)	N/A	N/A	6	6	N/A

/7 Commercial use signs may be permitted by approval of the City Inspector. In the event the Building Inspector does not issue said permit, the applicant may appeal to the Planning Commission.

4.5 Area Requirement – Places of Public Assembly Constructed or established after effective date of these regulations on a new site.

4.5.1 Yard (in feet)

	R-E	R-1	R-2	R-3	R-4
a. Front	100	50	25	25	50
b. Side (each)	100	50	25	25	50
c. Rear	50	50	25	25	50

4.5.2 On-lot parking (spaces per seating capacity)

Churches	1/3	1/3	1/4	1/4	1/3
Hospitals (spaces per hospital bed or bassinets)	N/A	N/A	1/3	1/3	N/A
On-lot parking (spaces per 200 square feet of office)	N/A	N/A	N/A	N/A	N/A
Professional	N/A	N/A	N/A	1/200	N/A

4.5.3 Minimum lot area

Churches (per 100 seating Capacity or portion thereof)	all districts 1/2 acre
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4.6 Commercial Districts Permitted Uses: (“P” indicates the use is permitted, “N” indicates the use is prohibited, “C” indicates the use requires a conditional use permit issued by the Planning Commission). All listed commercial uses and any residential or public uses are permitted in the CBD upon issuance of a conditional use permit.

COMMERCIAL USES	C-1	C-2	C-3	OP
Assisted Living Facility	P	P	P	N
Automatic car wash	N	N	P	N
Automatic laundries	N	N	P	N
Automotive service stations	P	N	P	N
Automotive repairs and sales (new & used)	P	N	P	N
Banks, savings and loans	P	P	P	N
Beauty & barber shops	P	P	P	N
Beauty & cosmetology school	P	P	P	N
Boat & marine sales & service	P	N	P	N
Camera sales and supplies	P	P	P	N
Carnival, circus or similar temporary amusement enterprise	P	N	P	N
Catering (off premise food service)	P	P	P	N
Chemical sales	P	N	P	N
Child care center	P/1	P/1	P/1	N
Churches	P	P	P	P

	C-1	C-2	C-3	OP
Cleaning maintenance (off premises)	P	N	P	N
Commercial billboards and signs	C/10	C/1	C/1	N
Commercial recreation, as bowling alleys, golf driving ranges, drive-in theaters, skating rinks, etc.	N	N	P	N
Computer sales & service	P	P	P	N
Computer software	P	P	P	C/1
Convenience store (motor fuel and food sales)	N	N	P	N
Dance studios	P	N	P	N
Department store	P	N	P	N
Drive-in restaurants, ice cream stands	P	P	P	N
Drug store	P	P	P	C/1
Dry cleaning and laundry plants	P	N	P	N
Dry cleaning & laundry pick-up stations	P	P	P	N
Duplicating, fax, quick printing	P	P	P	N
Eating establishments (restaurants without drive-in)	P	P	P	N
Eating establishments (service in automobiles)	P	P	P	N
Farm equipment sales and service	N	N	P	N
Feed and fertilizer sales	P	N	P	N
Flea market (enclosed)	N	N	P	N
Floor covering sales, retail	P	P	P	N
Florist shop and greenhouse	P	P	P	N
Food locker plant	P	P	P	N
Freight depot, rail or truck	P	N	P	N
Funeral home, mortuary	N	N	P	N
Furniture & home furnishings repair, used resale	P	N	P	N
Furniture and home furnishings new sales only	P	N	P	N
Garage or parking, commercial or public utility vehicles	P	N	P	N
Gift, novelty store	P	P	P	N
Golf driving range, commercial	N	N	P	N
Grocery stores	P	N	P	N
Hardware store	P	P	P	N
Health spa/tanning salon	P	N	P	N
Hobby shop	P	P	P	N
Home building supply	P	N	P	N
Hospitals, nursing homes	N	N	P	N
Hotels, motels, and B&B Inns	P	N	P	N
Ice cream, frozen dessert store	P	P	P	N
Ice vending establishment	P	P	P	N

	C-1	C-2	C-3	OP
Interior decorating, design shop	P	P	P	N
Jewelry sales and repair	P	P	P	N
Kennel				
Laundry pickup station only	P	P	P	N
Laundry plant	P	N	P	N
Laundry, self service	P	P	P	N
Liquor sales, for consumption off premises only	P	N	P	N
Loan office	P	P	P	N
Locksmith, key shop	P	P	P	N
Manmade dam	N	N	P/12	N
Meat market	P	P	P	N
Medical (hospital supply) rental	P	P	P	N
Mini-storage rental units	N	N	P	N
Mobile home sales and service	N	N	P	N
Monument sales	P	N	P	N
Motion picture theaters	P	N	P	N
Moving, storage, crating and express hauling	P	N	P	N
Newspaper/magazine retail store	P	P	P	N
Newspaper office, print shop	P	N	P	N
Nightclub	N	N	P	N
Novelty store, gift, tobacco, candy	P	P	P	N
Offices – professional & service i.e. doctors, dentists, lawyers, realtors, brokers	P	P	P	P
Offices, other	P	P	P	C/1
Office equipment, and supplies, sales, service, rental, repair	P	P	P	N
Paint and wallpaper store	P	P	P	N
Parking lot, commercial fee based	P	N	P	N
Pawn shop	P	N	P	N
Pest/environmental control	P	N	P	N
Pet shop	P	N	P	N
Places of public assembly	P	N	P	N
Plumbing sales and service	P	P	P	N
Psychic, palm and tarot card readers	N	N	P	N
Recycling and reclamation	P	N	P	N
Recreation or amusement center	P	N	P	N
Recreational vehicle park	N	N	P	N
Rental, tools & equipment (inside display only)	P	P	P	N
Rental, tools & equipment (outside display allowed)	P	N	P	N
Salvage yards	N	N	P/11	N
Scrap yards	N	N	P/11	N
School, business	P	N	P	N

	C-1	C-2	C-3	OP
School, commercial or trade	P	N	P	N
School, nursery or day care	P	P	P	N
Shoe sales and repair	P	P	P	N
Sign, advertising	C/13	C/13	C/13	C/17
Sign, business	C/13	C/13	C/13	C/13
Sign, temporary	C/15	C/15	C/15	N
Sporting goods sales	P	P	P	N
Studio, photo, musical	P	P	P	N
Swimming pool, commercial	P	N	P	N
Swimming pool sales and supply	P	P	P	N
Tap room	P	N	P	N
Tattoo parlor	N	N	P	N
Telephone, mail order sales	P	P	P	N
Telephone, Cell Phone, Radio & TV Towers	P	P	P	N
Travel agency	P	P	P	P
Variety store	P	P	P	N
Veterinarian clinics	N	N	P	N
Video cassette sales and rental	P	N	P	N
Warehousing, inside storage only	P	N	P	N
Wholesale establishment	P	N	P	N

4.7 Area Requirements (N/A – requirement not applicable)

4.7.1 Minimum yard (in feet) lot size, lot coverage, building height, and setback requirements to be included as part of Conditional Use Permits in CBD.

Commercial uses –

	C-1	C-2	C-3	OP
a. Front yard	25	25	25	25
b. Side – street (corner lot)	20	20/8	20/8	15
c. Rear (from property line or center of alley where one exists)	15	15	15	15

4.7.1.1

On any commercially zoned tract located in a block where the majority of tracts contain buildings with no side setbacks, no front setback except for street or utility rights-of-way and/or sidewalks and no rear setback, the City Building Inspector shall issue, upon proper application, a building permit for a building which would also contain no side setbacks, no front setback except for street and utility rights-of-way and/or sidewalks, and no rear setback.

/8 When the lot adjoins a residential use, there shall be a minimum of thirty (30) feet of side yard with visual screening. Rear yard setbacks and screening may also be required as determined necessary by the Planning Commission. Noise attenuation barriers may also be required for uses generating noise and/or vibrations.

Commercial Uses -	C-1	C-2	C-3	OP
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4.7.2 Maximum permissible lot coverage

(percent of lot covered by structures)	85	50	50	50
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Maximum height

Stories	3	1	3	3
Feet	48	30	48	48

4.7.4 Minimum lot area

	C-1	C-2	C-3
	N/A/9	15,000/9	1,500/9

N/A for OP District

4.7.5 Minimum lot width (at front yard line, in feet)

	N/A/9	100/9	30/9
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N/A for OP District

4.7.6 On-lot parking

Provision shall be made for all employers and employees and normal anticipated customer demand.

4.8 Planned unit development

For a Planned Unit Developments (PUD) reference City Ordinance 04-17

/9 Automotive service stations, new and used car lots and farm equipment sales and service, shall have a minimum lot area of seven thousand (7,000) square feet with a frontage of not less than one hundred (100) feet. Two (2) frontages of not less than one hundred (100) feet each shall be required when such stations, new or used car lots, and farm equipment sales and service, are located at street intersections.

/10 Commercial use sign may be permitted by approval of the Planning Commission – not to exceed thirty six (36) sq. ft. in the Central Business District.

/11 Salvage and scrap yards must be approved by the City Council.

/12 Must have minimum of 50 feet setback from streets or roads and property lines.

/13 Application for commercial billboards and signs must be made in the City Inspectors Office. At the time of application, plans must be submitted for review by the City Inspector. The City Inspector's decision as to the application shall be rendered within three (3) working days of application. Setback requirements for commercial billboards and signs in C2, C3 and OP Zones shall be fifteen (15) feet between any sign and the road right-of-way on the property line, twenty (20) feet from the side property line and right-of-way and fifteen (15) feet from the rear property line and any right-of-way. If setback requirements are not met, then the requirements for a Conditional Use Permit covered under Section 16 must be followed.

/14 If the Building Inspector determines that all conditions listed under Section 3.46 and Section 10 are met, then he shall issue the permit sought. Otherwise, the applicant may apply to the Planning and Zoning Commission for approval.

/15 Any temporary sign shall require a permit from the City Building Inspector and shall meet all setback requirements. Application for location of said temporary sign shall be made in a like manner as to application for any other sign.

/16 Side setbacks shall conform to the surrounding area, but no cases shall be less than 5' in an OP Zone and shall be approved by the City Inspector.

/17 Sign Advertising must be specifically approved as a conditional use in any OP zoned area. Said approval would be issued by the City Council after recommendations by the Planning Commission. Notice must be given at the time an application is made to the Planning Commission and/or the City Council and notice must be provided as required in Ordinance No. 92-9, as amended, for such matters.

5.0 INDUSTRIAL USE DISTRICTS

5.1 Industrial Use Districts

Industrial use districts are intended for manufacturing and industrial activities and for the bulk storage of goods.

5.1.1 M-1 Restricted Manufacturing Zone represents the industrial park areas. It is an area primarily for the assembly, fabrication, research, and storage uses which require planned sites with adequate land area for parking and landscaping, adjacent transportation facilities, and adequate utilities. This zone is intended for those uses that value aesthetics and public relations.

5.1.2 M-2 Wholesale, Distribution, and Light Manufacturing Zone is a zone close to the Central Business District in which wholesaling, storage, shipping, and distribution can occur in a clean and quiet manner.

5.2 Permitted Uses

5.2.1 M-1 Restricted Manufacturing Zone

5.2.1.2 Printing, lithographing, or publishing plan.

5.2.1.3 Customary accessory buildings.

5.2.1.4 Significant indoor recreational activities including, but not limited to, bowling centers, roller skating rinks, ice skating rinks, indoor batting cages, laser tag, basketball courts and gymnastic centers. Such uses may only be permitted upon issuance of a conditional use permit by the Planning Commission.

5.2.2 M-2 Wholesale, Distribution, and Light Manufacturing Zone

5.2.2.1 Permitted uses as in M-1 Restricted Manufacturing Zone as provided in Section 5.2.1.

5.2.2.2 Wholesale, distribution, warehousing and shipping.

5.2.2.3 Lumber and building materials, sales and storage in a yard or building.

5.2.2.4 Ice manufacture; storage and freezer lockers.

5.2.2.5 Freight yards; truck and bus terminals.

5.2.2.6 Machine and sheet metal shops.

5.2.2.7 Contractors and public utility offices, shops and yards.

5.2.2.8 Non-retail ancillary providers of services to industry and manufacturing including but not limited to various repair shops for industrial manufacturing purposes; tool and die makers; janitorial and maintenance.

5.3 Conditional Use Permitted M-2 Zone

5.3.1 Scrap yards as specifically defined in local ordinances may be permitted in this zone if in compliance with the following conditions:

5.3.1.1 Every effort shall be made to operate all functions of the business in a clean and orderly manner.

5.3.1.2 All scrap yards must be completely enclosed with a fence or wall that is of sufficient height and density to hide the contents of the yard from public view.

5.3.1.3 Driveways to insure unobstructed access to the yard shall be maintained.

5.3.1.4 Fire safety standards of the State of Arkansas Fire Prevention Code shall be met.

5.3.2 Mixed use developments including significant components of manufacturing or warehousing and distribution combined with professional, technical and sales functions may be permitted within the M-2 district, subject to reasonable conditions regarding compatibility with neighboring uses.

5.4 Area and Bulk Regulations

5.4.1 M-1 Restricted Manufacturing Zone

5.4.1.1 The maximum height of the building in this zone shall not exceed the side yard dimension.

5.4.1.2 Minimum front yard depth shall be fifty (50) feet from the property line and may include the necessary driveways and walkways, but shall not include off-street parking. The front yard shall be landscaped in a manner acceptable to the Planning Commission.

5.4.1.3 Minimum side yard depth shall be twenty (20) feet, except where property abuts a railroad where siding facilities are utilized. Structure may be built up to railroad property lines.

5.4.1.4 Minimum rear yard depth shall be fifteen (15) feet, except when an industrial zone adjoins a residential zone, the minimum rear yard depth shall be fifty (50) feet.

5.4.1.5 Maximum lot coverage by buildings shall be fifty percent (50%) of the lot area.

5.4.1.6 All individual permitted establishments shall provide off-street loading spaces which shall not block any public street or alley.

5.4.1.7 One off-street parking space shall be required for each two (2) employees on the largest work shift, plus normal anticipated parking for any visitors or customers.

5.4.2 M-2 Wholesale, Distribution, and Light Manufacturing Zone

5.4.2.1 There shall be no maximum height regulation in this zone.

5.4.2.2 Minimum front yard depth shall be twenty (20) feet. Minimum side yards shall be fifteen (15) feet, except railroad sidings may be used. If the plot abuts a residential use, there shall be a rear yard of at least fifteen (15) feet.

5.4.2.3 Maximum lot coverage by buildings shall be fifty percent (50%) of the lot area.

5.4.2.4 All individual permitted establishments shall provide off-street loading spaces which shall not block any public street or alley.

5.4.2.5 One (1) off-street parking space shall be required for each two (2) employees on the largest work shift, plus normal anticipated parking for any visitors or customers.

6.0 AGRICULTURAL DISTRICT

Agricultural Districts are intended for agricultural use with accompanying single-family residences. The agricultural district may also be used as a “holding zone” for large undeveloped tracts of land that have not yet developed an urban character.

6.1 Permitted Uses

6.1.1 Single-family dwellings

6.1.2 Truck gardening, orchards, customary row-crop farming, and pastures

6.1.3 Dams, manmade – C/12

6.1.4 Churches

6.2 Uses Not Permitted: commercial sale stalls, barns, pens, yards, and feed lots

6.3 Area and Bulk Regulations: The minimum area requirement for this district shall be one (1) acre

Minimum Yard, Single Family, Agricultural (in feet)

- | | |
|------------------------------|----|
| a. Front | 25 |
| b. Side (minimum) | 5 |
| c. Side (street) | 10 |
| d. Rear (from property line) | 15 |

7.0 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.

7.0.1 Zoning of Annexed Areas: All newly annexed areas shall be zoned AG, agricultural zone.

7.0.2 Application shall then be made to the Planning Commission for rezoning as set out in the appropriate sections of Ordinance 92-9 as amended.

8.0 COMPLETION

8.1 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.

8.2 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 one hundred twenty (120) days after adoption of these regulations.

9.0 NONCONFORMING

9.1 Definitions

9.1.1 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.

9.1.2 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.

9.1.3 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.

9.1.2 A Nonconforming Use of Land

9.2.1 Shall not be changed unless changed to a conforming use.

9.2.2 Which shall cease for a continuous period of thirty (30) days shall be deemed permanently abandoned, and any use thereafter established shall be in conformity with these regulations. Except that the discontinuance of a non-conforming use because of fire, wind, water or other natural disaster does not constitute an abandonment if reconstruction or restoration is begun within six (6) months of damage or destruction.

9.2.3 In all use districts may be continued until deemed permanently abandoned.

9.3 A Nonconforming Use of a Structure

9.3.1 May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the projection of adjacent property as approved by the Board of Adjustment.

9.3.2 May be extended to any portion of a structure arranged or designed for such nonconforming use at the time of passage of these regulations.

9.3.3 May be changed to a similar use, the similarity of said use shall be determined by the Board of Adjustment, if no structural changes are necessary.

9.3.4 Once changed to a conforming use cannot be changed to a nonconforming use.

9.4 A Nonconforming Structure

9.4.1 Located on a residential use district may be remodeled, rebuilt or added to if the remodeling, rebuilding, or addition conforms to the area requirements of the residential use district for single-family structures of these regulations and has the approval of the Board of Adjustment.

10.0 OCCUPATIONS PERMITTED IN RESIDENTIAL STRUCTURES UTILIZED FOR RESIDENTIAL PURPOSES IN RESIDENTIAL DISTRICT

10.1 An occupation may be carried on in a residential structure in an agricultural and residential use area only if such occupation meets all of the following conditions:

10.1.1 Does not involve the use of commercial vehicles

10.1.2 Does not require the use of more than two (2) rooms otherwise normally considered as living space.

10.1.3 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.

10.1.4 Does not have a sign in excess of six (6) square feet to denote the business, occupation, or profession (and such sign must be attached to the structure).

10.1.5 Does not involve the display of goods and services.

10.1.6 Is approved by the enforcement officer as meeting all of the above.

10.1.7 Home occupations shall be allowed in R-E, R-1, and R04 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.

10.2 A profession or service carried on in a residential structure or accessory building in a residential area at the time of the adoption of these regulations, which lawfully established, but which does not conform to the use, area and bulk regulations for the district may be continued.

11.0 LOT AREA

On any lot separately owned in a residential use area at the time of passage of these regulations and retained in continuous separate ownership, a one-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located. Providing all other area requirements are met, and provided, after passage of this amendment, that lot has a minimum of fifty (50) feet frontage on a dedicated street or a minimum ten (10) feet of frontage on an approved private drive as per Ordinance Number 92-9, as amended, and contains only one (1) principal building (living quarters) on a residential lot.

11.1 HOUSING OWNED AND OPERATED BY A NON-PROFIT

Housing owned and operated by a non-profit corporation or association for occupancy or use by elderly or handicapped persons, the construction of which is financed by the United States of America, shall be constructed on a number of lots to be determined by the Building Inspector for the City of Paragould. The Building Inspector specifically has the authority to allow construction of said housing on one lot.

12.0 AREA NOT TO BE DIMINISHED

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

13.0 VISIBILITY AT INTERSECTIONS – VISION CLEARANCE

13.1 Views Not Obstructed At Corners;

On any corner lot, no wall, fence, or other structure shall be erected and no hedge, tree, shrub, or other growth shall be maintained in such required yard space between the intersecting lot (property) lines and a line joining points on such lines fifteen (15) feet from their intersection, so as to cause danger to traffic by obstructing the view. This article shall not be interpreted to apply where the yard level is at such height as to be above the line of sight of a driver in a motor vehicle. This section applies equally to the intersection of a street, alley or driveway.

13.2 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 (6) feet above the crown of the street.

13.3 Thirty Days Notice Required

The provision of this article shall apply to all affected property within the limits of the City of Paragould within thirty (30) days after the date of notification by the enforcement officer to the property owner, lessee, or tenant.

13.4 City May Remove Obstructions and Bill Owner

The City may remove, thirty (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.

14.0 BILLBOARDS AND SIGNS

Only traffic signs installed by the State Highway Department, the County Road Department, and the City Street Department may be erected in the right-of-way of a public street.

15.0 MANUFACTURED HOMES, MOBILE HOMES AND MOBILE HOME PARKS

15.1 Manufactured Homes;

The manufactured home industry has evolved during the last two decades, with the products generally comparable in attractiveness and safety with those of traditional housing. Manufactured homes meeting the provisions set forth in the definitions herein shall be treated as any other housing product subject to the following sitting criteria. Units shall be configured to conform to the general or predominant orientation, size, outward appearance, exterior siding materials, roof pitch, installed on a permanent brick and mortar foundation with landscaping provisions consistent with the residential neighborhood characteristics shall be permitted, subject to compliance with the regulations of the Arkansas Manufactured Home Commission and the U.S. Department of Housing and Urban Development. Double wide units are required as the minimum size unit in neighborhoods where the predominant or typical dwelling size is 1,250 square feet or greater. Installation or placement of manufactured homes may be prohibited by restrictive covenants in certain subdivisions. However, this section shall not be construed as to prohibit the construction or any manufactured home which meets the construction and safety standard established under 42 USCS, et seq.

15.2 Mobile Home Parks

The person or persons seeking to establish a mobile home park shall present a petition in writing to the enforcement officer (City Inspector) and shall have attached to the petition an accurate legal description of the plot or parcel proposed for development. In addition, said person or persons shall submit to said enforcement officer a petition bearing the signatures of seventy-five (75) percent or more of the owners of property within three hundred (300) feet of said plot or parcel proposed for development. The establishment of a mobile home park must be in character with other uses in the district. This petition must have been circulated by the person or persons seeking to establish said mobile home park. The authenticity and validity of each individual signature shall be attested to by the circulatory (or circulators) of the petition before a notary public or other officer authorized to administer oaths.

When the above petitions with accompanying land descriptions have been received and reviewed by the enforcement officer, the circulator (or circulators) will then take the petition to the City Council to request

approval. After approval the enforcement officer shall issue a permit to establish said mobile home park on proposed property.

A mobile home park shall conform with the following regulations:

15.1.1 The minimum area for a mobile home park shall be one (1) acre.

15.1.2 The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

15.1.3 A Site Development Plan must be submitted showing the area and dimensions of the tract of land; the number, locations, and size of all mobile home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, said development shall conform to the Site Development Plan and violation of the Plan shall nullify the permit.

15.1.4 Mobile home spaces shall be provided consisting of a minimum of four thousand (4000) square feet for each space, which shall be at least forty (40) feet wide and clearly defined on the ground.

15.1.5 Mobile homes shall be so harbored on each space that there shall be at least ten (10) feet between the mobile home and any mobile home space line.

15.1.6 Each mobile home space shall abut a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a dedicated public street.

15.1.7 An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space.

15.1.8 Each space shall be provided with sanitary sewer and water service in a manner approved by the City.

15.1.9 No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story.

15.1.10 Each mobile home park shall be permitted to display on each street frontage, one (1) identifying sign or a maximum size of twelve (12) square feet. Said sign shall contain therein only the name and address of the mobile home park and may be lighted by indirect lighting only.

15.1.11 There shall be at least two (2) paved off-street parking spaces for each mobile home space which shall be on the same site or located in the grouped parking bays specifically designed for such purpose close to the site served.

15.1.12 When establishing enlarging or replacing a mobile home in a mobile home park, a fee of \$5.00 for each space must be paid to the City of Paragould.

15.3 Mobile Homes

The person or persons seeking to establish or locate a mobile home, as defined herein, on a residential lot, or to place a mobile home as a second dwelling in hardship cases and not for rental purposes, shall present a petition in writing to the enforcement office (City Inspector) and shall have attached to the petition an accurate legal description of the plot, parcel, or residential lot proposed for development. In addition said person or persons shall submit to said enforcement officer a petition bearing the signatures of seventy five (75%) percent or more of the owners of property within three hundred (300) feet of said, plot, parcel, or lot proposed for development, said petition stating nature of hardship if any, and the petitioner's acknowledgment of the location and duration of a mobile home on proposed property, and professing compatibility with the neighborhood (i.e., in character with other uses in the district). This petition must have been circulated by the person or persons seeking to locate said mobile home on said property. The authenticity and validity of each individual signature shall be attested to by the circulator (or circulators) of the petition before a notary public or other officer authorized to administer oaths. When the above petitions with accompanying land descriptions have been received by the enforcement officer, he shall issue a permit to locate said mobile home on proposed property.

Issuance of a permit for location and occupancy of a mobile home shall be subject to the following conditions, and violation of the conditions shall nullify the permit.

- 15.3.1** The mobile home will be used as a residence;
- 15.3.2** The mobile home must be placed on an enclosed foundation and the wheels removed;
- 15.3.3** The mobile home must be connected to sanitary sewer and water service in a manner approved by the City;
- 15.3.4** Off-street parking must be provided for the mobile home in accordance with the requirements pertaining to the R-2 Residential District.
- 15.3.5** Further, the mobile home shall comply with all setback requirements of the R-2 District and with the Zoning Ordinance in all other respects.
- 15.3.6** When moving in a new mobile home, or removing an old mobile home, a fee of \$5.00 must be deposited with the City of Paragould.

16.0 CONDITIONAL USE PERMIT

16.1 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.

16.2 Application

Application shall be made by the property owner, or a certified agent thereof, to the City Planning Commission on a form provided by the City Clerk. The applicant shall submit sufficient maps, drawings and documents necessary for the Planning Commission to determine conformance with all the provisions of this Ordinance.

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 Planning Commission 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.

16.3 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 (10) 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 other notice shall be provided as per Section 19.2 of the Paragould Zoning Code, Ordinance No. 92-9, as amended. All costs associated with notification shall be borne by the applicant.

16.4 Conditions for Issuance of Permit

The Planning Commission shall issue the Conditional Use Permit provided it finds the following:

- (1) The proposed structure or use conforms to the requirements and intent of this Ordinance and the Land Development Plan.
- (2) Any additional conditions stipulated by the Planning Commission as deemed necessary in the public interest have been met, and
- (3) Such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the City.

16.5 Fee

A Conditional Use Permit Application fee shall be charged by the City Building Inspector or other designated entity in the amount set by the City Council in Section 21 of this Ordinance.

16.6 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 ten (10) day written notice shall be addressed to the applicant indicating the nature of the non-compliance and the applicants right to file an official appeal to the Board

of Zoning 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 applicants 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.

16.7 Penalty for Violation

Violation of the terms and conditions set forth in a conditional use permit and the continued unlawful use of a facility after revocation has been accomplished in accordance with Section 16.6 above, shall constitute a violation of the Zoning Ordinance and subject to the penalty clause provisions set forth in Section 24 of this ordinance.

17.0 BOARD OF ADJUSTMENT ORGANIZATION

17.1 Board Consists of Same Persons as Planning Commission

A board of Adjustment is hereby established to consist of the appointees to the Planning Commission.

17.2 Appointments

Upon appointment and annually thereafter the Board shall meet as a separately convening body from the Planning Commission. The Planning Commission Chairman shall serve as the Chairman of the Board of Adjustment. Succession of authority shall be identical to that of the Planning Commission. The Board may appoint a secretary from among its members.

17.3 Meetings

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.

17.3.1 The Board 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:

17.3.2 Time, date, and place of meetings

17.3.3 Names of members present

17.3.4 Citation, but number and description, of appeal or application

17.3.5 Pertinent facts of the case

17.3.6 Names of persons appearing and their interest in the case

17.3.7 Record of vote by name

17.3.8 Authority for decision (cite ordinance or statute) and reasons for conditions imposed

17.4 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.

17.5 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 (7) days before the date of the meeting, by mail or in person.

17.6 Members removed for non-participation

Any member of the Board who fails to be in attendance at two (2) 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 in 17.2. Removal from the Board shall also constitute removal from the Planning Commission.

18.0 APPEALS

The Board 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.

19.0 VARIANCES

When a property owner can show that a strict application of the terms of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board 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:

19.1 Variances Granted

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 confiscation 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.

19.1.1 Carport variances in an R-2 Zone

A variance may be granted to build a carport to within 8 feet of a front property line in an R-2 Residential Zone. Said variance may be granted for a carport only. Under no circumstances shall the carport be enclosed or used for any purpose other than that of a carport in which to park vehicles. In addition, said variance may be granted only if the general purpose and intent of the comprehensive land use plan, as established by restrictions and provisions contained in this Ordinance, are not significantly impaired.

19.2 Notice

When applying for a variance or conditional use permit, the owner/applicant must 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 as least 10 days prior to the public hearing. Applicants must show proof of certified mail, receipt or refusal.

20.0 APPEAL FROM DECISION OF THE BOARD

Appeal from the decision of the Board of Adjustment shall be the City Council within thirty (30) days from the decision of the Board.

21.0 NOTICE AND FEE REQUIREMENTS FOR PERMITS, APPEALS AND VARIANCES

21.1 The fees for the various permits required by this ordinance are as follows:

- (1) Certificate of Occupancy and Compliance = N/C
- (2) Application for Rezoning = \$50.00
- (3) Conditional Use Permit = N/C
- (4) Appeals and Variances = N/C

These fees do not include applicant borne costs for legal advertisements, certified mail, legal representation, drafting, surveying, engineering, planning and other expenses that may be incurred. Any actions initiated by the Planning Commission, the City Council or the Mayor for a public purpose are not subject to the payment of filing fees.

21.1.1 Penalty for failure to obtain Certificate of Occupancy and Compliance.

Prior to the occupancy of any residence or other structure, a final inspection and a Certificate of Occupancy must be obtained from the City Inspector's Office. The duty to obtain said Certificate of Occupancy shall be with the owner of the property at the time the building permit was obtained. Any individual or legally recognized business entity violating this section shall be assessed a penalty of \$25.00 for said violation. It shall be the duty of the City Building Inspector to issue a citation for violations of this nature.

21.2 Variance Applicants and Appellants Pay for Public Notices

Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than ten (1) days preceding the date of such hearing in an official paper or a paper of general circulation in Paragould, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement summarizing the appeal or application. The Board shall also give or cause to be given additional notice of scheduled hearings to such interested persons and organizations as it shall deem feasible and practicable.

21.3 Filing Fee Required

The appellant or applicant shall be required to pay to the City Clerk a filing fee of \$25.00 (twenty five dollars) to cover such other costs as may be incurred in connection with such appeal or variance application.

22.0 AMENDMENTS

22.1 Amendments in Accordance with State Statutes

The zoning regulations shall be amended in conformance with the requirements of Act 186 of the 1957 State General Assembly and all subsequent amendments to that act.

22.2 Amendment to the Text

The City Council may suggest that the Planning Commission amend the text of this Zoning Ordinance or the Planning Commission itself may desire to initiate an 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 adoption.

22.3 Change in District Boundary

If the owner of property desires to revise the boundary line of a zoning district, he or his 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 optional information which the owner feels should be brought to the attention of the Planning Commission. The disposition of the petition shall be in accordance with the provisions of 22.4 and 22.7 below.

22.4 Notice

Before a proposed revision in the boundary of a district may be recommended by the Planning Commission to the City Council, it must be the subject of 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 one 10 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 10 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 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 in 22.3. Notice shall also be provided to said owners at least 10 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 administrative official shall cause the owner to place sign(s), the number of which shall be determined by the administrative official, 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 ten (10) days prior to the date of the hearing. The City will furnish the required signs.

22.5 Hearing and Approval

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

- 22.5.1** The Planning Commission shall conduct the public hearing on the proposed amendment to the Ordinance and/or Official Zoning Map.
- 22.5.2** Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council, or with reasons for such recommendations stated in writing.
- 22.5.3** 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 thirty (30) days from the date of the hearing.
- 22.5.4** 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.

22.5.5 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.

22.5.6 If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by majority vote, amend this Ordinance by granting the request for amendment in full or in modified form.

22.6 Rezoning Requests Limited

No application for change of zoning for a given property may be re-submitted within twelve (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 ninety (90) days, then the action taken by the Planning Commission or the Board of Zoning 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 Zoning Adjustment, shall be entitled to identical notice prior to the City Council Meeting.

22.7 Rezoning Applicants Pay for Public Notices

An applicant for a change of zoning shall be required to reimburse the City of Paragould for costs of public notice and the conduct of the public hearing.

23.0 ENFORCEMENT

23.1 City Inspector or Other City Staff Responsible

The provisions of these regulations shall be administered by a Building Inspector or other administrative staff person as designated by the City Council.

23.2 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 three (3) months of the issuance of the building permit and shall be completed within one (1) year of the issuance of said permit. The City Inspector may issue an extension in the event of hardship to be determined by the City Inspector. Otherwise, an additional permit must be obtained.

23.3 Building Permit Application

A building permit will be issued only when the application has been approved by the Building Inspector 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.

23.4 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.

23.5 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.

23.6 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.

24.0 PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of these regulations, or fail to comply with any of the requirements therein, or who shall build or alter any buildings in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than **ONE HUNDRED FIFTY DOLLARS (\$150.00)**. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of these regulations shall be placed, or shall exist, and nay architect, builder, contractor 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 herein provided.

25.0 SEVERABILITY CLAUSE

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.

26.0 CONFLICTING PROVISIONS REPEALED

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