

TITLE 14

ZONING

Chapters:

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CHAPTER 14.04

ZONING ORDINANCE ADOPTED BY REFERENCE

Section:

- 14.04.01 Zoning ordinance adopted by reference
- 14.04.02 Amendments by reference
- 14.04.03 Adult Oriented Businesses

14.04.01 Zoning ordinance adopted by reference. The Zoning Ordinance, consisting of fifteen (15) Articles of narrative text, as identified above, be and hereby is adopted and approved in all respects as an instrument to guide and influence the allocation and arrangement of land uses, the development of land, and the future buildings within the corporate limits of the City of Blytheville.

The City Clerk be and hereby is directed to file one copy of said Zoning Ordinance with the journal of actions of the City Council and particularly for the present meeting, and the City Clerk is directed to maintain not fewer than three (3) copies of said Zoning Ordinance on file at all times and available for public review and inspection. (Ord. No. 1498, Secs. 1-2.)

14.04.02 Amendments by reference

Ord. No. 1503: Article XII. Section 12.04.0, number 6, be amended to read: Fluttering ribbons and banners. Fluttering ribbons and banners and similar devices are prohibited, except the flags of governments and their agencies. Temporary banners will be allowed promoting community events sponsored by non-profit organizations, provided no commercial advertising appears on the banner. The banners must not be displayed more than three weeks prior to the event and must be taken down within two days after the event.

Ord. No. 1557: In Article XII, Section 12.12.0, item 3 (c) the total area allowed for signs be changed from thirty-two (32) square feet to one hundred (100) square feet.

Ord. No. 1528:

- (a) Section 7.03.0. Correct the word "residential" to read: commercial.
- (b) Section 11.01.01 #7. Delete after word "each": one hundred fifty (150) and insert two hundred fifty (250). After the word "sales", insert or a plat that is substantially in compliance and designed by a licensed engineer or architect that satisfies all state and federal regulations.
- (c) (Section 12.04.0 # 3. Delete after the word "roof": or any sign not mounted on a vertical surface.
- (d) Section 12.04.0 # 6. Insert after the word "of": corporate industries,
- (e) Section 12.06.01 # 3. Delete after the word "the" street right-of-way line and insert edge of any curb or street.
- (f) Section 12.06.01. Delete Part B.

Ord. No. 1548: The following changes are hereby made:

- a. **Section 3.08.0 Fees** – Delete item B. Certificate of Occupancy \$10.00.
- b. **Section 6.03.0 Permitted Uses** – Item A. Residential – Multiple-Family Dwellings – Change the X to a \sqrt under the R-2 heading.
- c. **Section 6.04.0 Lot Yard and Height Requirements** – Change the front yard setback for the R-1 district on the chart from 25 feet to 30 feet.
- d. **Section 10.01.03 Signs Permitted** – Add the following after item 2:
 - 3. One pole sign per business will be permitted along both sides of Ash St. and Walnut St. and along both sides of Main St. east of Laclede St. in this district provided that said sign does not exceed 30 feet in height and 100 square feet in area. This sign must meet a minimum 15-foot setback from any property of right-of-way line. All highway rights-of-way must also be observed. Note: Sign overhang will be considered as part of the overall structure.
 - 4. Prior to a permit being issued, all plans and drawings of any sign in this overlay district must be submitted to and approved by the Planning Commission.
- e. **Section 10.01.04 Signs Prohibited** - Delete the words "pole signs" in the second sentence of paragraph.
- f. **Section 10.02.04, Site Design and Development Standards** - Item 9: Delete all wording after "Building materials and appearance" and add: "The front of the building, visible from the highway, shall be constructed of wood, masonry, or other like material. Side walls of the structure shall consist of wood, masonry or metal materials. Metal side walls are permitted if it is similar in appearance to

wood or masonry. A sample of all siding for the side walls and any alternate materials for the front of the building must be submitted to the Planning Commission before drawings can be approved and siding must have similar appearance of other buildings in the same area."

Ord. No. 1617

Art. V, Sec. 5.12.02 of Ord. No. 1498 is amended as follows:

1. "Paragraph 3. This Section shall not prohibit the use of a trailer occupied only in a commercial district on a temporary basis which is selling goods and/or food and drink during the periods beginning on April 1, 2006, and ending on September 30, 2006, and for like periods thereafter."
2. The person desiring to utilize this Section of Ordinance No. 1498 of 2000 as amended herein shall be required to apply for a temporary privilege license from the Office of Code Enforcement and, if approved, shall pay an annual fee of \$100.00 to the City Collector's Office for the issuance of a temporary license.

Ord. No. 1631:

- a. Item (d) of section 11.03.01, allowing for "five inches (5") of graveled base compacted with an overlay of ten inches (10") of SB2 Chat", be stricken from the paragraph.
- b. The chart in section 6.04.0 showing residential lot, yard & height requirements be amended to add Multi-family Dwellings to the section on R-2 and listing the requirements to be the same as Single-family Duplexes.
- c. The first sentence in Section 5.01.02 be amended to read: Accessory building(s) or structure(s) may be built within a required rear yard, only after a building permit is applied for and when located ... in the aggregate, not more than:

Ord. No. 1677, Sec. 1: Main Street Blytheville, Inc., with the approval of the Planning Commission, will be allowed to install banners in the Blytheville Historic District. The banners will be no larger than 24" wide x 48" high and will be secured at the top and bottom with flexible fiberglass arms and be limited to the 30 light poles on Main St. between Franklin and Fifth Streets. Blytheville Main Street, Inc. will be responsible for maintenance and replacement of the banners.

14.04.03 Adult Oriented Businesses To accommodate the needs of residents and businesses while protecting health, safety and welfare, to minimize adverse visual effects of adult oriented entertainment businesses through careful design and siting standards and to minimize the detrimental effect sexually-oriented businesses have on adjacent land uses, the City

Council recognizes that it has a great interest in the present and future character of the City's residential and commercial neighborhoods and adopts the following land use regulations hereby adopting the separate category of Adult Oriented Entertainment Businesses as follows:

Purpose.

- (1) The purpose of this Section is to control through zoning regulations certain adult oriented entertainment uses that have a direct and detrimental effect on the character of the City's residential neighborhoods and commercial areas.
- (2) It shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment.

Definitions.

- (1) **Adult Oriented Entertainment Business.** An adult bookstore, adult theater, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.
- (2) **Nudity.** The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.
- (3) **Sexual Conduct.** Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.
- (4) **Sexual Excitement.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Applicability. The provisions of this Section of the Zoning Code shall apply to all existing and future adult entertainment-oriented businesses. However, any such existing business that does not meet the zoning district restrictions or the distance limitations, may continue its existence as a non-conforming use; provided, however, that no such business may be enlarged or increased in size or be discontinued/or a period of no more than 180 days.

General Requirements.

- (1) **Zoning District.** Adult use only bookstores, adult theaters, adult entertainment centers, adult cabarets, and other adult oriented entertainment businesses sexual in nature may be operated or maintained only within the Industrial Zoned District provided that it is located on a minor or major arterial road and subject to the distance limitations noted below.

- (2) **Distance Limitations.** No adults-only bookstore, adult theaters, adult cabaret, or other adult oriented entertainment businesses as defined under this Section shall not:
- (a) be operated or maintained within 1000 feet of the boundary of any area zoned other than Industrial;
 - (b) be operated or maintained within 1000 feet of a church, parking recreational site, licensed daycare facility, public library, public or private educational facility which serve persons age seventeen (17) or younger, elementary school, high school, place of worship, or elderly housing facility;
 - (c) be operated or maintained so that there are no two (2) such businesses within 2500 feet of each other as measured by the radius from each business;
 - (d) distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises to the lot line of other businesses and between adult oriented businesses as set forth herein above.
- (3) **Same Use Restrictions.** No adult-oriented business shall be located in the same building or upon the same property as another such use.
- (4) **Sign Limitations.** Notwithstanding any other provision of this code, an adult oriented entertainment business shall not be permitted more than one (1) sign advertising its business, which shall be an on-premise or building sign only. All such signs shall meet the following criteria:
- (a) have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building;
 - (b) no sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only;
 - (c) no sign shall contain any flashing lights, moving elements, or mechanically changing messages;
 - (d) no sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as "nude dancing" or "Girls, Girls, Girls," etc.;
 - (e) no sexually-oriented business may have any off-premise sign;
 - (f) in order to allow currently operating adult-oriented entertainment businesses to recover their financial investment in current signage, any currently operating adult-oriented entertainment business shall bring its signage into conformity with the provisions of this paragraph within one year from the date of passage of this ordinance.
- (5) **Operating Standards.** All such adult oriented entertainment businesses shall operate in accordance with the following:
- (a) No employee shall, solicit business outside the building in which the business is located;

- (b) No male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;
 - (c) No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals;
 - (d) Nudity is prohibited for any employee of an adult oriented business where such person is in direct, personal contact with another person.
- (6) **Building's Exterior Appearance.** The building's exterior shall meet the following criteria:
- (a) colors to be earth or neutral tones with primary accent colors to be within the same color family;
 - (b) stripes and geometric patterns are prohibited;
 - (c) a color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Planning Commission and City Council;
 - (d) the exterior shall be adequately maintained in good condition. (Ord. No. 1640, Sec. 1.)

CHAPTER 14.08

AIRPORT ZONING

Sections:

14.08.01	Short title and definitions
14.08.02	Zones
14.08.03	Height limitations
14.08.04	Use restrictions
14.08.05	Non-conforming uses
14.08.06	Permits
14.08.07	Enforcement
14.08.08	Board of Adjustment
14.08.09	Appeals
14.08.10	Judicial review
14.08.11	Penalties
14.08.12	Conflicting regulations

14.08.01 Short title and definitions.

1. This ordinance shall be known and may be cited as the Blytheville Municipal Airport Hazard Zoning Ordinance. It cancels and supersedes all previous airport zoning ordinances bearing this same title.

2. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level. Blytheville Municipal Airport has an elevation of two hundred and fifty-six (256) feet MSL.

3. AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the air space required for the flight of aircraft in landing or take-off at such airport or is otherwise hazardous to such landing or take-off of aircraft.

4. STRUCTURE - An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

5. TREE - Any object of natural growth.

6. HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the elevation datum shall be mean sea level elevation unless otherwise specified.

7. LANDING AREA - Means the area of the airport used for the landing, take-off or taxiing of aircraft.

8. NON-CONFORMING USE - Means any structure, tree or use of land which is lawfully in existence at the time the regulation as prescribed in this ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulation.

9. RUNWAY - Means the paved surface of an airport landing strip.

10. LANDING STRIP - A defined area on an airport prepared for landing and take-off of aircraft along its length.

11. PERSON - Means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

12. BOARD OF ADJUSTMENTS - A board consisting of three (3) members appointed by the Chairman of the Blytheville Airport Commission.

13. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

14. NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved.

15. PRIMARY SURFACE - This surface is longitudinally centered on the runway. It has a width of five hundred (500) feet. This primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the centerline of the runway. (Ord. No. 1034, Sec. 1)

14.08.02 Zones. In order to carry out the provision of this ordinance, there are hereby created and established certain zones which include all of the land lying within the Approach Zones, Transition Zones, Horizontal Zones and Conical Zones. Such areas and zones are shown on the Blytheville Municipal Airport Zoning Map consisting of one sheet, prepared by W. D. Cobb and dated April 17, 1978, which is attached to this ordinance and made a part hereof. The various zones are hereby established and defined as follows:

1. VISUAL APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is five hundred(500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

2. NON-PRECISION INSTRUMENT APPROACH ZONE - The inner edge of the non-precision instrument approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The non-precision instrument approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface, its centerline being the continuation of the centerline of the runway.

3. TRANSITIONAL ZONES - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety (90) degrees to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal.

4. HORIZONTAL ZONE - The horizontal zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface and connecting the adjacent arcs by drawing lines tangent to those arcs.

5. CONICAL ZONE - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends upward and outward therefrom a horizontal distance of four thousand (4,000) feet. (Ord. No. 1034, Sec. 2)

14.08.03 Height limitations. Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zones. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **VISUAL APPROACH SURFACE** - This surface slopes twenty (20) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending outward a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

2. **NON-PRECISION INSTRUMENT APPROACH SURFACE** - This surface slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of the primary surface and extending outward to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

3. **TRANSITIONAL SURFACE** - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred and fifty (150) feet above the airport elevation (which is two hundred and fifty-six (256) feet above mean sea level). In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the horizontal surface.

4. **HORIZONTAL SURFACE** - one hundred fifty (150) feet above the airport elevation or a height of four hundred six (406) feet above mean sea level.

5. **CONICAL SURFACE** - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land. (Ord. No. 1034, Sec. 3)

14.08.04 Use restrictions. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication

between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport. (Ord. No. 1034, Sec. 4)

14.08.05 Non-conforming uses.

- A. Regulations not retroactive - The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently prosecuted.
- B. Marking and lighting - Notwithstanding the preceding provision of this section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Blytheville Airport Commission to indicate the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Blytheville Airport Commission. (Ord. No. 1034, Sec. 5)

14.08.06 Permits.

- A. Future uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted.
 - 1. However, a permit for a tree or structure of less than seventy-five (75) feet or vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zone beyond a horizontal distance of two thousand seven hundred (2,700) feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
 - 2. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- B. Existing uses - No permit shall be granted that would allow the establishment of or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air

navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for a permit shall be granted.

- C. Non-conforming uses abandoned or destroyed - Whenever the Airport Commission of the City of Blytheville determines that a non-conforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- D. Variances - Any person desiring to erect or increase the height of any structure or permit the growth of any tree or use his property not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will be substantial justice and be in accordance with the spirit of this ordinance.

- E. Hazard marking and lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the owner of the non-conforming use, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Ord. No. 1034, Sec. 6)

14.08.07 Enforcement. It shall be the duty of the Airport Commission of the City of Blytheville to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Commission of the City of Blytheville upon a form furnished by it. Applications required by the ordinance to be submitted to the Airport Commission of the City of Blytheville shall be promptly considered and granted or denied by it. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Commission of the City of Blytheville. (Ord. No. 1034, Sec. 7)

14.08.08 Board of Adjustment.

- A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision or

determination made by the Airport Commission of the city of Blytheville, in the enforcement of this ordinance; (2) to hear and decide special exceptions to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.

- B. The Board of Adjustment shall consist of five (5) members appointed by the Mayor of the City of Blytheville, with concurrence by the City Council by majority vote, and each shall serve for a term of three (3) years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, two (2) for a term of two (2) years and two (2) for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of such member upon each question; or if absent or if failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Clerk of the City of Blytheville, and on due cause shown.
- D. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this ordinance.
- E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Airport Commission of the City of Blytheville or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variation in this ordinance. (Ord. No. 1034, Sec. 8)

14.08.09 Appeals.

- A. Any person aggrieved, or any taxpayer affected by any decision of the Airport Commission of the city of Blytheville made in the administration of this ordinance, may appeal to the Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the City Clerk of the City of

Blytheville a notice of appeal specifying the grounds thereof. The Airport Commission of the city of Blytheville shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Commission of the City of Blytheville certifies to the Board of Adjustment after notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its option, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Airport Commission of the City of Blytheville.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. The Board of Adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances. (Ord. No. 1034, Sec. 9)

14.08.10 Judicial review. Any person aggrieved, or any taxpayer affected by a decision of the Board of Adjustment, may appeal to the Circuit Court as provided by law. (Ord. No. 1034, Sec. 10)

14.08.11 Penalties. Each violation of this ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than Twenty-Five (\$25.00) Dollars or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. No. 1034, Sec. 11)

14.08.12 Conflicting regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. No. 1034, Sec. 12)

CHAPTER 14.12

AIR FORCE BASE ZONING ORDINANCE

Sections:

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14.12.01 Definitions. As used in this chapter, unless the text otherwise requires:

- A. Airfield - Any Air Force airfield. In this chapter airfield means Blytheville Air Force Base.
- B. Flight hazard - Any structure, natural growth, or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, takeoff, or maneuvering at or in the vicinity of the airfield.
- C. Nonconforming use - Any structure, natural growth, or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulations.
- D. Person - Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, also any trustee, receiver, assignee, or other similar representative thereof.
- E. Structure - Any object constructed or installed by man, including, but without limitation, building, towers, smoke-stacks, and overhead transmission lines.
- F. Landing area - That part of the airfield that is used or intended to be used for landing and take off of aircraft.

14.12.02 Zones. To carry out the purpose of this chapter, all of the land within fifty thousand (50,000) feet of the established airfield reference point and which is also within the city is hereby divided into height-limiting zones, the boundaries of which and the height applicable

thereto are shown on the Airspace Control Surface Plans for Blytheville Air Force Base, numbered F-5, dated July 1963 and revised 15 March 1965, which are made a part of the code as if set out herein.

14.12.03 Height limit. Except as otherwise provided in this chapter, no structure or natural growth shall be erected, altered, allowed to grow, or maintained in the height-limiting zones to a height in excess of the height specified therefor or established for such zone. For the purpose of this regulation, the height limits established for each of the height-limiting zones in question shall be those set forth on the Airspace Control Surface Plans for Blytheville Air Force Base.

14.12.04 Use restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land within any of the zones listed in Section 14.12.03 in such a manner as to create electrical interference with radio communication between the airfield and aircraft; make it difficult for flyers to distinguish between airfield lights and others; result in glare in the eyes of flyers using the airfield; impair visibility in the vicinity of the airfield; or otherwise endanger the landing, takeoff, or maneuvering of aircraft.

14.12.05 Non-conforming uses. The owner of any use structure or object of natural growth at the time of the adoption of this airfield zoning chapter which does not conform to this chapter, may be granted a permit authorizing continuance of such nonconforming use upon application therefor made by him to the administrative agency authorized to administer and enforce this chapter; provided that, if such application is not made within ninety (90) days of the effective date of the chapter in question, such agency may by the appropriate action compel the owner of the nonconforming structure or object of natural growth to lower or remove such object to the extent necessary to conform to the chapter. All permits will be granted under this section if it is shown that the lowering or removing of the objects in question would create unnecessary hardship and difficulty and that it will not constitute an undue hazard to aircraft operations at the airfield.

14.12.06 Variances. Any person desiring to erect any structure or increase the height of any structure or natural growth, or use his property, not in accordance with this regulation must apply for a permit to the agency authorized to consider such applications for a variance from this zoning regulation. Such variance shall be allowed where a literal application or enforcement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter.

14.12.07 Permits.

- A. Future uses. No material change shall be made in the use of land, and no structure or natural growth shall be erected, altered, planted, or otherwise established, in

any of the height-limiting zones herein specifically listed, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or natural growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted.

B. Existing uses. Before any existing non-conforming use, structure or object of natural growth for which a permit has been issued in accordance with Section 14.12.05 hereof may be altered, or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured. No such permit shall be granted that would permit the use, structure or object of natural growth in question to be made higher or become a greater hazard to air navigation than it was when the permit for its continuance was granted under Section 14.12.05 hereof; and where the structure or object of natural growth has been more than fifty percent (50%) torn down or destroyed, whether voluntarily, by Act of God, or otherwise, or has become more than fifty percent (50%) deteriorated or decayed, no permit shall be granted that would permit said use, structure or object of natural growth to exceed or conflict with the provisions of these regulations; instead in all cases of fifty percent (50%) destruction, deterioration or decay, whether application is made for a permit for repair or not, the said agency may by appropriate action compel the owner of the nonconforming use, structure or object of natural growth to lower, change or remove such use or object to the extent necessary to conform to the regulation herein promulgated. Except, as indicated, all applications for permits to change or repair of nonconforming uses shall be granted.

C. Procedure.

1. In all cases for applications for nonconforming uses or variances as provided in Sections 14.12.05- .07 and (1) and (2) hereof, a public notice shall be published in the manner prescribed by law for publication of legal notices; a public hearing shall be held on such application at which any person having an interest in the proceedings shall have an opportunity to offer evidence for or in opposition to the application in question; and written findings of fact and conclusion of law shall be made by the agency authorized to consider such applications, based upon the evidence offered at the public hearing.
2. In all other applications for permits the administrative agency will grant a permit once it has made the determination that said application for variance does not conflict with nor is in variance with this chapter.

14.12.08 Hazard markings and lighting. Any permit granted under Sections 14.12.05 - .08 and (1) and (2), if such action is considered advisable to effectuate the purposes of this chapter and reasonable in the circumstances may be so conditioned as to require the owner of the structure or natural growth in question to permit or do one of the following at the order and discretion of the agency granting such permit:

- A. Permit the United States Air Force at its own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard, or
- B. Require the owner of the structure or natural growth to install, operate and maintain at his own expense such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard. The question as to whether lights or markers are necessary is the decision of the Base Commander, Blytheville Air Force Base. The question as to whom is to be responsible for installing, operating and maintaining such lights and markers is the decision of the agency responsible for administering this chapter.

14.12.09 Appeals.

- A. Any person aggrieved, or taxpayer affected, by any decision of the administrative agency or from what they feel is an improper application of this chapter, may appeal to the Board of Adjustment for which provision is made in Section 14.12.11.
- B. All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the administrative agency a notice of appeal specifying the grounds thereof. The administrative agency shall forthwith transmit to the board the notice of appeal along with all the papers constituting the record upon the action appealed from was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative agency certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the board on notice to the person or persons concerned and on due cause shown.
- C. After receipt of notice of an appeal the board chairman shall schedule the time for a hearing which shall be at a regular or special meeting within thirty-six (36) days from the filing of such notice of appeal. The board shall give public notice of the hearing in a newspaper published in the city by advertisement published at least fifteen (15) days prior to such hearing. Such notice shall state the location of the

building or lot, the general nature of the question involved in the appeal and the time and place of the hearing. Decisions by the board shall be made not more than thirty (30) days from the time of the hearing.

- E. The board, in conformity with the provisions of this chapter may reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency.
- F. Upon the hearing any party may appear in person or by agent or by attorney.
- G. The board shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, or affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.
- H. The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in this chapter.

14.12.10 Administrative agency. The Building Inspector for the city is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed. The duties of the Building Inspector shall include that of hearing and deciding all permits under Sections 14.12.05, .06, and .08, (1) & (2), but the Building Inspector shall not have or exercise any of the powers or duties herein delegated to the Board of Adjustment.

14.12.11 Board of adjustment. The Board of Adjustment for the city which was created to hear appeals under Ordinance No. 580, (Chapter 14.04), is hereby granted the authority to hear all appeals concerning this chapter.

14.12.12 Amendments. The owner of any land effected by this chapter or any taxpayer may petition the City Council for any change in said zoning, to reduce or change the restriction thereon, which petition shall be referred to the Planning Commission. The City Council shall then hold public hearings on the petition and the findings and recommendations of the Planning Commission. Such Hearing will be had after public notice is given of the type prescribed in Section 14.12.09 (4). Any person who has an interest in the proceedings shall have an opportunity to offer evidence for or in opposition to the amendment in question. Written findings shall be made by the City Council either denying or approving the amendment. If amendment is authorized such will be filed along with the specifications with the county recorder.

14.12.13 Exhaustion of remedies. No person desiring to continue a nonconforming use, to change or repair a conforming use, to amend this chapter or to take action pursuant to Section 14.12.05 hereof or to take any other action covered by this chapter, shall initiate any action in the courts unless he has exhausted the remedies provided by this chapter.

14.12.14 Judicial review. Any person aggrieved, or taxpayer affected, by any decision of the Board of Adjustment or the City Council may within thirty (30) days thereof, appeal therefrom the Circuit Court of Mississippi County. After such notice as the court shall direct to the parties interested, including all political sub-divisions affected and the Air Base in question, a hearing shall be held before such court at a time and place fixed by it, and the court may, by its decree, annul, affirm or alter the regulations, order or ruling complained of, if it finds that the applicable rules of law so require; provided that in all cases, any findings of fact that may have been made by the board, council or agency founded upon substantial evidence, shall be accepted by the court as conclusive.

14.12.15 Penalty. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than One Thousand (\$1,000.00) Dollars. Each day a violation continues is a separate offense. The city is entitled to the remedy of either an affirmative or negative injunction to enforce this chapter. (Ord. No. 728)

CHAPTER 14.14

ZONING MAP

Ord. No. 1584 Amends Ordinance No. 1498 of 2000, correcting the official Zoning Map

CHAPTER 14.16

MOBILE HOMES AND MOBILE HOME PARKS

Sections:

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- 14.16.02 Conflict
- 14.16.03 Penalty
- 14.16.04 Mobile home parks permit
- 14.16.05 Duties of permittee
- 14.16.06 Pre-construction requirement and inspection
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- 14.16.09 Right of entry
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- 14.16.46 Parking on streets
- 14.16.48 Parking in R-1
- 14.16.49 Parking in R-2
- 14.16.50 Parking in R-3 and B
- 14.16.51 Sewer and garbage fees

14.16.01 Definitions. For the purpose of this chapter the following words and phrases shall have the meaning ascribed to them in this section:

- A. Dependent mobile home means a mobile home which does not have a flush toilet and a bath or shower.
- B. Health officer means the legally designated health authority of the city or his authorized representative.
- C. Mobile home means any vehicle or similar portable structure designed for use as a conveyance upon highways, having no foundation other than wheels or removable jacks and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- D. Mobile home park means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.
- E. Independent mobile home means a mobile home which has a flush toilet and a bath or shower.
- F. Mobile home space means a plot of ground within a mobile home park, designated for the accommodation of one mobile home.
- G. Permit means a written permit issued by the proper office of the city, permitting the mobile home park to operate under this chapter and regulations promulgated thereunder.
- H. Person means any individual, firm, partnership, corporation, company or association.
- I. Service building means a building housing toilet and bathing facilities for men and women with laundry facilities and such other facilities as may be required by this chapter. (Ord. No. 664, Sec. 1, 4-10-62)

14.16.02 Conflict.

- A. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance of code of the city existing on April 10, 1962, the provision, which in the judgment of the health officer, established the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- B. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on April 10, 1962 which established a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail,

and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter. (Ord. No. 664, Sec. 18.1, 4-10-62)

14.16.03 Penalty. Any person who violates any provision of the chapter, or any provision of any regulation adopted by the health officer pursuant to authority granted by this chapter, shall upon conviction be punished as prescribed in Section 1.32 of this code. (Ord. No. 664, Sec. 16, 4-10-62)

14.16.04 Mobile home parks permit

- A. It shall be unlawful for any person to construct, maintain or operate any mobile home park within the limits of the city unless he secures a valid privilege license issued annually by the office of the City Clerk in the name of such person for the specific purpose of a mobile home park. The cost of the privilege license shall be Five (\$5.00) Dollars per occupied mobile home space.
- B. No permit shall be transferable.
- C. The City Clerk shall obtain approval of the mobile home park from the responsible persons in the offices of the City Engineer and Health Department prior to issuing a permit. (Ord. No. 664, Sec. 3.1, 4-10-62)

14.16.05 Duties of permittee. The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this chapter and regulations issued thereunder, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times. (Ord. No. 664, Sec. 15.1, 4-10-62)

14.16.06 Pre-construction requirements and inspection.

- A. Before any mobile home park can be constructed inside the city limits, the plans and specifications must be submitted to the office of the City Engineer and the local Health Department for their approval.
- B. The plumbing specifications shown on the entire layout of the proposed mobile home park (designating all water and sewer lines) shall be submitted to the Plumbing Division of the Arkansas State Board of Health, Little Rock, Arkansas, for their approval.
- C. After approval of the site of the park, plans and specifications, the City Engineering Department will issue a building permit at the cost of Two-Fifty

(\$2.50) for the first One Thousand (\$1,000.00) Dollars valuation and fifty cents (\$.50) for each additional thousand dollars valuation, and regular inspections will be made by the responsible persons of the office of the City Engineer and the local Health Department to see that all requirements are met during the construction of the mobile home park. (Ord. No. 664, Sec. 3.2, 4-10-62)

14.16.07 Appeal. Any person whose application for a permit under this chapter has been denied, may request and shall be granted a hearing on the matter before the Board of Adjustments as prescribed in Section 14.04 et seq. of this code of ordinances. (Ord. No. 664, Sec. 3, 4-10-62)

14.16.08 Inspection. The health officer or the City Engineer is hereby authorized and directed to make inspections to determine the conditions of mobile home parks located within the city in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. (Ord. No. 664, Sec. 4.1, 4-10-62)

14.16.09 Right of entry. The health officer or City Engineer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated thereunder. (Ord. No. 664, Sec. 4.2, 4-10-62)

14.16.10 Right to inspect registry. The health officer shall have the power to inspect the register containing a record of all mobile homes and occupants using the mobile home park. (Ord. No. 664, Sec. 4.3, 4-10-62)

14.16.11 Access. It shall be the duty of the owners or occupants of mobile home parks and mobile homes contained therein, or of the person in charge thereof to give the Health officer free access to such premises at reasonable times for the purpose of inspection. It shall be the duty of every occupant of a mobile home park to give the owner or his agent or employees access to any part of such mobile home park or the premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or with any lawful regulations adopted thereunder or with any lawful order issued pursuant to the provisions of this chapter. (Ord. No. 664, Secs. 4.4 - 4.5, 4-10-62)

14.16.12 Location, drainage. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents. (Ord. No. 664, Sec. 5.1, 4-10-62)

14.16.13 Space. The area of the mobile home park shall be large enough to accommodate:

- A. The designated number of mobile home spaces;

- B. Necessary streets and roadways; and
- C. Parking areas for motor vehicles.

(Ord. No. 664, Sec. 5.2, 4-10-62)

14.16.14 Space requirement.

- A. Each mobile home space shall contain a minimum of two thousand five hundred (2,500) square feet and shall be at least forty (40) feet wide. If dependent trailers are to be parked in a mobile home park, the park must provide a service building.
- B. Every mobile home space shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be defined. Mobile homes shall be parked in such spaces so that there will be a minimum of twenty (20) feet between mobile homes and so that no mobile home will be less than five (5) feet from the exterior boundary of the mobile home park.
- C. All mobile home parks which are current holders of privilege licenses to operate in the city, and which have a width or area less than the minimum prescribed above may continue to operate until the mobile home park ceases operations. If the present owner or new owners plan to re-open the mobile home park, the person re-opening the mobile home park will have to adhere to the provisions of this chapter for new mobile home parks.
- D. It shall be unlawful to allow any mobile home to be occupied in a mobile home park unless the mobile home is situated on a mobile home space. (Ord. No. 664, Secs. 5.3, 5.5, 4-10-62)

14.16.15 Proximity to street; access.

- A. It shall be unlawful to locate a mobile home less than twenty-five (25) feet from any public street or highway, or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.
- B. Access roads shall be provided to each mobile home space. Such access shall accommodate at least the number of vehicles equal to the number of mobile home spaces provided.
- C. Access shall be provided for the parking of motor vehicles. Such access shall accommodate at least the number of vehicles equal to the number of mobile spaces provided. (Ord. No. 664, Secs. 5.4, 5.6, 5.7, 4-10-62)

14.16.16 Clothes drying facilities. In mobile home parks, outside drying spaces or other clothes drying facilities shall be provided. When central outdoor clothes-drying space is provided a minimum of two thousand five hundred (2,500) square feet per one hundred (100) mobile home spaces shall be furnished. Outdoor clothes drying facilities may be installed on the individual mobile home space as a part of the basic facilities. (Ord. No. 664, Sec. 5.8, 4-10-62)

14.16.17 Water supply . An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park, capable of furnishing a minimum of one hundred fifty (150) gallons per day per mobile home space. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the health officer. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. (Ord. No. 664, Sec. 6.1, 4-10-62)

14.16.18 Piping.

- A. The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces.
- B. All water piping shall be constructed and maintained in accordance with state and local law. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back-flow or back siphonage. (Ord. No. 664, Secs. 6.2, 6.3, 4-10-62)

14.16.19 Drinking fountains. Where drinking fountains are provided for public use in mobile home parks, they shall be of a type and in locations approved by the health officer. (Ord. No. 664, Sec. 6.4, 4-10-62)

14.16.20 Individual connections. In mobile home parks, individual water-service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of such mobile homes. The mobile home park water system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home connections. (Ord. No. 664, Sec. 6.5, 4-10-62)

14.16.21 Independent water system. In mobile home parks, where an independent or non-public water system is used it must be approved by the health officer. (Ord. No. 664, Sec. 6.6, 4-10-62)

14.16.22 Sewage disposal. All plumbing in the mobile home park shall comply with state and local plumbing laws and regulations. (Ord. No. 664, Sec. 7.1, 4-10-62)

14.16.23 Connections. In mobile home parks, each independent mobile home space shall be provided with at least a three (3) inch sewer connection. The sewer connection shall be provided with suitable fittings, so that a water tight connection can be made between the mobile

home drain and the sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home and shall be capped so as to prevent any escape of odors. (Ord. No. 664, Sec. 7.2, 4-10-62)

14.16.24 Sewer line construction requirements. In mobile home parks, sewer lines shall be constructed in accordance with plans approved by the health officer and in accordance with the recommendations of such health officer. All sewer lines shall be adequately vented and shall be laid with sufficient earth cover to prevent breakage from traffic. (Ord. No. 664, Sec. 7.3, 4-10-62)

14.16.25 Independent system requirements. Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health officer shall be provided. The design of such sewage-treatment facilities shall be based on the maximum capacity of the mobile home park. Effluents from sewage treatment facilities shall not be discharged into any waters of the state except with prior approval of the appropriate state authority and the local health officer. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The approval of the health officer shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction. (Ord. No. 664, Sec. 7.4, 4-10-62)

14.16.26 Refuse disposal. The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards or air pollution. (Ord. No. 664, Sec. 8.1, 4-10-62)

14.16.27 Containers. In mobile home parks, all refuse shall be stored in fly tight, watertight, rodent-proof containers which shall be located not more than one hundred fifty (150) feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. (Ord. No. 664, Sec. 8.2, 4-10-62)

14.16.28 Container racks. In mobile home parks, racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. (Ord. No. 664, Sec. 8.3, 4-10-62)

14.16.29 Insects and rodent control. Insect and rodent-control measures to safeguard public health, shall be applied in the mobile home park. (Ord. No. 664, Sec. 9.1, 4-10-62)

14.16.30 Measures which may be required.

- A. Effective larvicidal solutions may be required in the mobile home parks by the health officer for fly or mosquito-breeding areas which cannot be controlled by other, more permanent measures.

- B. The health officer may require the mobile home park operator to take suitable measures to control other insects and obnoxious weeds. (Ord. No. 664, Secs. 9.2, 9.3, 4-10-62)

14.16.31 Accumulations of debris. Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park. (Ord. No. 664, Sec. 9.4, 4-10-62)

14.16.32 Rodent extermination. When rats or other objectionable rodents are known to be in the mobile home park, the park operator shall take definite action, as directed by the health officer to exterminate them. (Ord. No. 664, Sec. 9.5, 4-10-62)

14.16.33 Electrical supply and exterior lighting

- A. In mobile home parks, an electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be grounded and weatherproof. No main power supply line shall be permitted to lie on the ground, or to be suspended less than eighteen (18) feet above the ground.
- B. Public streets, driveways, and walkways shall be lighted at night with a minimum illumination of at least 0.6 foot candles. (Ord. No. 664, Secs. 10.1, 10.2, 4-10-62)

14.16.34 Fuel equipment specifications. In mobile home parks, all piping from outside fuel storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile homes or less than five (5) feet from any mobile home exit. (Ord. No. 664, Sec. 11.1, 4-10-62)

14.16.35 Fire prevention. The mobile home park area shall be subject to the rules and regulations of the city fire-prevention authority. (Ord. No. 664, Sec. 12.1, 4-10-62)

14.16.36 Area to be kept free of flammable materials. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials. (Ord. No. 664, Sec. 12.1, 4-10-62)

14.16.37 Portable fire extinguishers. In mobile home parks portable fire extinguishers of a type approved by the fire-prevention authority shall be kept in an available place designated by such fire-prevention authority and shall be maintained in good operating condition. (Ord. No. 664, Sec. 12.3, 4-10-62)

14.16.38 Water supply requirements.

- A. Where a public water system with a water main of six (6) inches or larger is available to the mobile home park, standard fire hydrants shall be located within four hundred (400) feet of each mobile home or building.
- B. Where the water supply system does not provide at least six (6) inch water main, there shall be provided a 2-inch frost protected water riser within three hundred (300) ft. of each mobile home or building. (Ord. No. 664, Secs. 12.4, 12.5, 4-10-62)

14.16.39 Fires. In mobile home parks, fires shall be made only in stoves, incinerators, and other equipment intended for such purpose. (Ord. No. 664, Sec. 12.6, 4-10-62)

14.16.40 Plumbing and electricity. All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations. (Ord. No. 664, Sec. 13.1, 4-10-62)

14.16.41 Skirting. Skirting of mobile homes, in mobile home parks, is permissible, but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. (Ord. No. 664, Sec. 13.2, 4-10-62)

14.16.42 Permanent additions. In mobile home parks, no permanent additions shall be built onto or become a part of any mobile home unless they are in accordance with requirements established by the health officer. (Ord. No. 664, Sec. 13.3, 4-10-62)

14.16.43 Registration of occupants. Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park and shall be preserved for the period required by the health officer. Such register shall contain:

- A. The names and addresses of all mobile home occupants stopping in the park;
- B. The make, model, and license number of the motor vehicle and mobile home;
- C. The state, territory, or county issuing the mobile home license;
- D. The date of arrival and departure of each mobile home; and
- E. Whether or not each mobile home is a dependent or independent mobile home. (Ord. No. 664, Sec. 14.1, 4-10-62)

14.16.44 Communicable diseases.

- A. Every owner, operator, attendant, or other person operating a mobile home park shall notify the local health officer immediately of any suspected communicable or contagious disease within the mobile home park.
- B. In the case of diseases diagnosed by a physician as quarantinable, the departure of a mobile home or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection without approval of the health officer is prohibited. (Ord. No. 664, Sec. 14.2, 4-10-62)

14.16.45 Pets not to run at large. No owner or person in charge of a dog, cat, or other pet animals shall permit it to run at large, or to commit any nuisance within the limits of any mobile home park. (Ord. No. 664, Sec. 13.4, 4-10-62)

14.16.46 Parking on streets. It shall be unlawful for any person to park any trailer coach of any kind on any street, alley, highway, or other public place within the corporate limits of the city. (Ord. No. 664, Sec. 2.1, 4-10-62)

14.16.47 Permit to place required. A permit to place a mobile home will have to be secured at the office of the City Engineer. An inspection will be made by the office of the City Engineer to determine if the property meets zoning requirements and water, plumbing and electrical inspections will be made to determine that these connections have been made in accordance with the proper city ordinances regulating these connections.

14.16.48 Parking in R-1. No mobile homes may be parked in Residential R-1 districts as defined in the zoning ordinance until full compliance is made with the regulations in said chapter, and a petition containing ninety percent (90%) of the adjoining property owners within three hundred (300) feet of the proposed location shall so approve. (Ord. No. 664, Sec. 2.3, 4-10-62; Ord. No. 675, Sec. 1, 10-10-62)

14.16.49 Parking in R-2. Mobile homes may be parked in R-2 zones if they can comply with the regulations set out in zoning chapter of this code of ordinances, and a petition containing eighty-five percent (85%) of the adjoining property owners within three hundred (300) feet of the proposed location shall so approve. (Ord. No. 664, Sec. 2.4, 4-10-62)

14.16.50 Parking in R-3 and B zones. Mobile homes may be parked in R-3 and B zones if they can comply within the regulations of R-3 zones set out in the zoning chapter of this code of ordinances, and a petition containing seventy-five percent (75%) of the adjoining property owners within three hundred (300) feet of the proposed location shall so approve. (Ord. No. 664, Sec. 2.5, 4-10-62)

14.16.51 Sewer and garbage fees. The occupants of the mobile homes behind a residence must pay separate sewer and garbage fees. (Ord. No. 644, Sec. 2.6, 4-10-62)

CHAPTER 14.17

ANNEXING PROPERTY

Annexing Property

Ord. No. 1108	NW ¼ NE ¼ Sec. 14, Twp 15N R 11E
Ord. No. 1545	N ½ NE ¼ Sec. 33, Twp 15N, R 11E
Ord. No. 1741	Sec. 7, Twp 15E, R 12E
Ord. No. 1108	NW ¼ of NE ¼ of Sec. 14, Twp 15N. Range 11 East
Ord. No. 1135	NW ¼ of Sec. 22, Twp 15N, Range 11 East
Ord. No. 1148	W ½ of the E ½ of the NE ¼ of Sec. 10, Twp 15N, Range 11 East
Ord. No. 1151	NE 1/4, Sec. 14, Twp 15N, Range 11 East
Ord. No. 1194	NE ¼ of Sec. 14, & NW ¼ of Sec. 13, & SE ¼ of Se ¼ of Sec, 11 all in Twp 15N, Range 11 East, Ward 1, Zoned B-3
Ord. No. 1204	NE ¼ of Sec. 14, Twp 15N, Range 11 East, Ward 1
Ord. No. 1214	NE ¼ of Sec. 14, Twp 15N, Range 11 East, Ward 1
Ord. No. 1215	NE ¼ Sec. 14, Twp 15N, Range 11 East
Ord. No. 1231	SW ¼ of Sec. 17, Twp 15N, Range 11 East
Ord. No. 1232	NE ¼ of Sec. 9E, Twp 15N, Range 11 East, Ward 2
Ord. No. 1234	South 2/3 of Lot 3, Sec. 4, Twp 15N, Range 11 East, Ward 2
Ord. No. 1239	NW corner of the SW ¼ of NE ¼ of Sec. 28, Twp 15N, Range 11 East
Ord. No. 1244	NE ¼ of Sec. 14, Twp 15N, Range 11 East, Zoned B-3
Ord. No. 1247	SW ¼ of Sec, 3 Twp 15N, Range 11 East, Ward 2, Zoned R-1
Ord. No. 1253	NW ¼ of Sec. 10 & S 285 ft. of SW ¼ of Sec. 3, Twp 15N, Range 11 E, Ward 2, Zoned R-1
Ord. No. 1251	NW ¼ of Sec. 14, Twp 15N, Range 11 East, Ward 1, Zoned B-3
Ord. No. 1301	NW ¼ of the SE ¼, SW ¼ of the NE ¼ , Sec. 11, Twp 15 N, Range 11 E
Ord. No. 1312-A	NE corner of W ½, W ½, NE ¼, NE ¼ Sec. 22, Twp 15 N., Range 11 E
Ord. No. 1313	NW ¼ of the SE ¼ of Sec. 11, Twp 15N. Range 11 East, Ward 1
Ord. No. 1329	NE ¼ of Sec 22, Twp 15N, Range 11 East
Ord. No. 1403	N ½ of the NE ¼ of the NW ¼ and N ½ of NW ¼ of NE ¼ Sec 33, Twp 15N, Range 11, assigned to Ward 3, Zoned B-3
Ord. No. 1416	Sec. 11,12,13 & 14 Twp 15N, Range 11 East, assigned Ward 1, Zoned B-3
Ord. No. 1424	Annexation Ordinance – submitted to the voters

CHAPTER 14.18

REZONING PROPERTY

Rezoning Property

- Ord. No. 1501 Rezoned property from I-1 to B-2 Classification
- Ord. No. 1504 Sec. 7, Twp 15 N, Range 12 East, Assigned to Ward 1 zoned B-3
- Ord. No. 1517 rezoned from R-2 to B-3 Classification:
Block I Ex. N 100' lots 1 & 2, W100' 30' lot 3 and lots 11, 12, 13 and the Lonnie Middlebrook Subdivision, of the D.M. Moore Addition
- Ord. No. 1521 rezoned from R-2 to B-3 Classification:
A tract of land described as the West 100 feet of Lots One (1) and Two (2) and the South 30 feet of the West 100 feet of Lot Three (3), all in Block "I", D. M. Moore Addition to the City of Blytheville, Arkansas.
- Ord. No. 1525 property is, rezoned from B-2 to B-3 Classification:
the east 100 feet of lot 4, block 1, Elmwood Gardens subdivision to the city of Blytheville, Arkansas
- Ord. No. 1529 property is, rezoned from R-4 to B-3 Classification:
The West 640 feet of the North 360 feet of the Northwest Quarter of the Northeast Quarter of Section 28, Township 15 North, Range 11 East, containing five acres more or less.
- Ord. No. 1530 rezoned from R-4 to B-3 Classification:
Lots 6, 7, & 8 SE ¼ , NW ¼ , irregular lots of Section 21, Township 15 North, Range 11 East, less and except the W100', S100', E820', SE 1/4 NW 1/4 of Section 21, Township 15 North, Range 11 East.
- Ord. No. 1531 property is, rezoned from R-2 to B-3 Classification:
The West 970 feet of Lot One (1), and all of Lots Two (2) and (3) of the Mrs. G.G. Tuckers Subdivision carved out of the Southeast Quarter of the Northwest Quarter of Section 28, Township 15 North of Range 11 East according to recorded plat.
- Ord. No. 1532 rezoned from R-4 to B-3 Classification
The South Half (S 1/2) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 21, Township 15 North, Range 11 East, Mississippi County, Arkansas
- Ord. No. 1534 property is, rezoned from R-3 to B-3 Classification:
A tract of land described as the North 315', S670', East 1100', NE SE of S-T-R 16-15-11 formerly known as Cherokee Courts.
- Ord. No. 1536 property is rezoned from R-2 to B-1 Classification:
All of Lot Four (4), Bader's Second Addition to the City of Blytheville, Arkansas, according to plat in Plat Book 1, Page 109, Recorder's Office, Blytheville, Arkansas.

- Ord. No. 1541 property located in the City of Blytheville, Arkansas, from a classification of R-1 to B-3:
The North Half of the Northwest Quarter of the Northeast Quarter and the North Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 33, Township 15 North, Range 11 East in the City of Blytheville, Arkansas.
- Ord. No. 1542 re-zoning of lot 2 and lot 3, carved out of the southeast quarter of the northwest quarter of section 21, township 15 north, range 11 east in the city of Blytheville, Arkansas, from a classification of r-3/r-4 to b-3
- Ord. No. 1569 rezoned from R-2 to R-1 Classification:
A tract of land legally described as lots 1 through 5, block 1 of the Rose Terrace Addition and lots 1 through 7 and lot 15, block 5 of the E.O. Adams Addition and all of blocks 3,4,5,6,7,8 of the Country Club Drive Addition to the City of Blytheville
- Ord. No. 1578 rezoned from R-1, R-4 to a B-3 Classification:
A tract of land lying in the North One-half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 21, Township 15 North, Range 11 East, City of Blytheville, Mississippi County, Arkansas
- Ord. No. 1581 rezoned from R-2 to B-1 Classification:
700 & 708 E. Main St., legally described as lots 11 & 12, block 1 of the Parkview Addition to the City of Blytheville, Arkansas
- Ord. No. 1583 rezoned from R-3 to a B-1 Classification:
The South 1/2 of Lot Three (3), Block Eight (8), Chicago Mill Third Addition to the City of Blytheville, Arkansas. (Property Address: 1916 W. Rose Street, Blytheville, AR 72315)
- Ord. No. 1586 the property, located at 1815 S. Elm St., be, and hereby is, rezoned from R-1 to B-3 Classification:
- Ord. No. 1590 the property, located at 1400 N. Division be, and hereby is, rezoned from R-1 to B-1 Classification:
- Ord. No. 1597 Rezoning real estate located in Edna Vail's Third Subdivision and Edna Vail's First Addition to the City of Blytheville, Arkansas, from A Classification of B-1 To B-2
- Ord. No. 1611 the classification of the following described property located in the City of Blytheville, Arkansas, from a classification of R-1 and R-4 to B-3:
Northwest Quarter of the Northeast Quarter, except the West 640 feet of the North 360 feet and the Northeast Quarter of the Northeast Quarter of Section 28, Township 15 North, Range 11 East, in the Chickasawba District of Mississippi County, Arkansas.
- Ord. No. 1627 property, located at 700 & 708 E. Main St. be, and hereby is, rezoned from B-1 to R-2 Classification:
Lots 11 & 12, block 1, Parkview Addition
- Ord. No. 1630 property be, and hereby is, rezoned from I-2 to B-3 Classification:
lots 16 and 17, block 3, Brawley addition to the City of Blytheville, Arkansas

- Ord. No. 1655 property, located at 215 & 217 N. First St. be, and hereby is, rezoned from B-4 to B-2 Classification:
1/2 lot 4 and 1/3 lot 12 block 2 of the Blythe Addition
- Ord. No. 1659 property, located at 906 N. 6th St. (rear) be, and hereby is, rezoned from B-4 to B-2 Classification:
.857 acres west of KFC property
- Ord. No. 1704 property, located at 1301 8th St. be, and hereby is, rezoned from R-3 to B-1 Classification:
Lot 1, blk. 6, Hollipeter 2nd Addition
- Ord. No. 1710 property, located at 3121 S. Division be, and hereby is, rezoned from R-3 to B-3 Classification:
N84' E200' of lot 6 of Mrs. G G Tucker Subdivision,
- Ord. No. 1728 change the zoning classification of the following described property located in the City of Blytheville, Arkansas from a classification of I-1 to B-3:
N 50' lot 18 and S55' lot 19, block 3 of the Brawley Addition
- Ord. No. 1729 property, located at 601 N. 10th St. be, and hereby is, rezoned from R-3 to B-3 Classification:
50' X 150' Abandoned RR & N 10' E125' Tract 6
- Ord. No. 1731 property, located on S. Division St. be, and hereby is, rezoned from R-4 to a PRD Classification
- Ord. No. 1753 property, located at 133 E. Coleridge St. be, and hereby is, rezoned from R-3 to a B-2 Classification:
Lot 1, Block 4, Allison Addition
- Ord. No. 1756 property, located at 300 N. Broadway St. be, and hereby is, rezoned from B-4 to a B-3 Classification:
AKA South 101.76' Lot 16 SW of Sec 10, Twp 15 Rn 11
- Ord. No. 1757 property, located at 232 N. Second St. be, and hereby is, rezoned from B-2 to a B-3 Classification:
AKA American Legion Subdivision lot 1 and the SH Bishop Addition
- Ord. No. 1769 property, located at 1113 S. Elm St. be, and hereby is, rezoned from B,2 to a B-3 Classification:
Lots 3, 4 and 5, Block 1 of the Wilson First Addition
- Ord. No. 1774 property, located at 4500 East Highway 18, Blytheville, Arkansas be, and hereby is, rezoned from R-3 to a B-3 Classification:
- Ord. No. 1775 described property, located at 1713 W. Rose Street be, and hereby is, rezoned from R-3 to a B-2 Classification:
Lot 4, Block 4 of the Edwin Robinson Addition
- Ord. No. 1822 following property, located at 389 N. Hollywood Ave. be, and hereby is, rezoned from R-1 to a R-2 Classification:
Robindale East Apartments
- Ord. No. 1823 property, located at 633 W. Main St. be, and hereby is, rezoned from B-2 to a R-1 Classification:
Lots 8 & 9 Blk. 15, Chickasawba Add.

Ord. No. 1827 property, located at 909 North 10th Street be, and hereby is, rezoned from R-3 to a B-1 Classification:
S100' Irreg. lot 5 SE EX E10'

CHAPTER 14.20

FLOOD HAZARD PREVENTION REGULATIONS

Sections:

14.20.01	Statutory Authority
14.20.02	Findings of Fact
14.20.03	Statement of Purpose
14.20.04	Lands to which this ordinance applies
14.20.05	Methods of Reducing Flood Losses
14.20.06	Flood Damage Prevention Code Adopted by Reference
14.20.07	Abrogation and Greater Restrictions
14.20.08	Interpretation
14.20.09	Warning and Disclaimer of Liability
14.20.10	Compliance
14.20.11	Penalty for Non-Compliance

14.20.01 Statutory Authority. The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of the city of Blytheville, Arkansas, does hereby ordain as follows: (Ord. No. 1705, Sec. 1)

14.20.02 Findings of Fact.

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of the city of Blytheville in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Mississippi County Arkansas, and Incorporated Areas," with an effective Flood Insurance Rate Map (FIRM) dated June 18/2010.

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the

placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

(Ord. No. 11705, Sec. 2 A-C))

14.20.03 Statement of Purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 1705, Sec. 3 A-I))

14.20.04 Lands to which this ordinance applies

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Blytheville, Arkansas. (Ord. No. 1705, Sec. 4)

14.20.05 Methods of Reducing Flood Losses

This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters, or which may adversely impact other lands. (Ord. No. 1705, Sec. 5)

14.20.06 Flood Damage Prevention Code Adopted by Reference

There is hereby adopted by reference a "Flood Damage Prevention Code for the city of Blytheville, Arkansas," dated June 18, 2010. The code shall include:

ARTICLE 1-DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the City Clerk and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 1705, Sec. 6)

14.20.07 Abrogation and Greater Restrictions

This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 1705, Sec. 7)

14.20.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes. (Ord. No. 1705, Sec. 8 A-C))

14.20.09 Warning and Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land

outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages, This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.(Ord. No. 1705, Sec. 9)

14.20.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 1705, Sec. 10)

14.20.11 Penalty for Non-Compliance

Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to
- B. Issue cease and desist orders on non-compliant floodplain development projects;
- C. Issue citations for non-compliance;
- D. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- E. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - (1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - (2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition, the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 1705, Sec. 11)