

BLYTHEVILLE
ARKANSAS

ZONING REGULATIONS

Ordinance No. 1498 – April 18, 2000
As amended through March20, 2007

Ordinance Number 1498
April 25, 2000

ZONING REGULATIONS BLYTHEVILLE, ARKANSAS

Table of Contents

ARTICLE I. CITATION, PURPOSE, NATURE AND APPLICATION.....	1
Section 1.01.0. Citation.....	1
Section 1.02.0. Purpose.....	1
Section 1.03.0. Nature and Application.....	1
Section 1.04.0. Completion of Existing Buildings.....	1
Section 1.05.0. Area Not to be Diminished.....	1
 ARTICLE II. DEFINITIONS.....	2
 ARTICLE III. ADMINISTRATION AND ENFORCEMENT.....	10
Section 3.01.0. Enforcement Officer.....	10
Section 3.02.0. Building Permit.....	10
Section 3.03.0. Certificate of Occupancy.....	10
Section 3.04.0. Violations.....	10
3.04.01. Enforcement Responsibilities.....	10
3.04.02. Penalty for Violation.....	11
Section 3.05.0. Amendments.....	11
3.05.01. Amendment to Text.....	11
3.05.02. Amendment to the Official Zoning Districts Map.....	11
3.05.03. Updates.....	12
Section 3.06.0. Conditional Uses.....	13
3.06.01. Purpose.....	13
3.06.02. Review Standards.....	13
3.06.03. Procedural Requirements.....	13
Section 3.07.0. Special Use Permits.....	15
Section 3.08.0. Fees.....	15
 ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES.....	16
Section 4.01.0. Zoning Districts Established.....	16
Section 4.02.0. Zoning Districts Map.....	16
Section 4.03.0. Interpretation of District Boundaries.....	16
Section 4.04.0. Annexed Lands.....	17
4.04.01. Boundaries.....	17
4.04.02. Zoning Classification(s).....	17
Section 4.05.0. Vacation of Public Easements.....	17
 ARTICLE V. GENERAL DISTRICT PROVISIONS.....	18
Section 5.01.0. Accessory Buildings.....	18
5.01.01. Definition.....	18
5.01.02. Coverage Limitations.....	18
Section 5.02.0. Automobile Wrecking and Junk Yards.....	18
5.02.01. General.....	18
5.02.02. Standards.....	19
Section 5.03.0. Child Care Facilities.....	19
5.03.01. Where Permitted.....	19
5.03.02. Requirements for a Home Based Child Care Center.....	19
Section 5.04.0. Fences, Walls and Hedges (Residential Zones).....	19
Section 5.05.0. Erection of More than One Principal Structure on any Lot.....	20
Section 5.06.0. Interpretation of Uses.....	20

Section 5.07.0.	Home Occupations.....	21
Section 5.08.0.	Flammable Liquids and Gases.....	21
Section 5.09.0.	Exceptions to Height Requirements.....	21
Section 5.10.0.	Mobile Homes.....	21
Section 5.11.0.	Service Station Pumps.....	21
Section 5.12.0.	Storage and Parking of Trailers and Commercial Vehicles.....	22
5.12.01.	Parking or storage limitations.....	22
5.12.02.	Occupancy Prohibited.....	22
Section 5.13.0.	Setbacks from Identified Major Thoroughfares.....	22
Section 5.14.0.	Temporary Dwelling for Construction, Maintenance or Security Personnel.....	22
Section 5.15.0.	Visibility at Intersections in Residential Districts.....	22
Section 5.16.0.	Broadcast media and wireless communication towers.....	23
5.16.01.	Definition.....	23
5.16.02	Site Location criteria.....	23
Section 5.17.0.	Manufactured Home Siting Requirements.....	24

ARTICLE VI. RESIDENTIAL DISTRICTS.....25

Section 6.01.0.	General Purposes.....	25
Section 6.02.0.	Purpose of Each District.....	25
6.02.01.	Single-Family Residential (R-1).....	25
6.02.02.	Low Density Residential (R-2).....	25
6.02.03.	Medium Density Residential (R-3).....	25
6.02.04.	Estate Residential (R-4).....	26
Section 6.03.0.	Permitted Uses.....	26
Section 6.04.0.	Lot, Yard and Height Requirements.....	28
Section 6.05.0.	Mobile Home Parks.....	29
6.05.01.	Permitted District Locations.....	29
6.05.02.	Development Standards.....	29
6.05.03.	Review Procedure.....	29

ARTICLE VII. COMMERCIAL DISTRICTS.....30

Section 7.01.0.	General Purposes.....	30
Section 7.02.0.	Purpose of Each District.....	30
7.02.01.	Neighborhood Commercial District (B-1)	30
7.02.02.	General Commercial District (B-2).....	30
7.02.03.	Highway Commercial District (B-3).....	30
7.02.04.	Central Business District (B-4).....	30
Section 7.03.0.	Permitted Uses.....	30
Section 7.04.0.	Lot, Yard and Height Requirements.....	35
Section 7.05.0.	Mini-Warehouses.....	35
Section 7.06.0.	Outdoor Storage and Waste Disposal.....	36
Section 7.07.0.	Limitations on External Effects and Uses.....	36

ARTICLE VIII. INDUSTRIAL DISTRICTS.....37

Section 8.01.0.	Purpose.....	37
Section 8.02.0.	Purpose of Each District.....	37
8.02.01.	Light Industrial (I-1).....	37
8.02.02.	General Industrial (I-2).....	37
Section 8.03.0.	Permitted Uses.....	37
Section 8.04.0.	Lot, Yard and Height Requirements.....	39
Section 8.05.0.	Performance Standards.....	40

ARTICLE IX. PLANNED DEVELOPMENT DISTRICT.....42

Section 9.01.0.	Purpose and Intent.....	42
Section 9.02.0.	General Conditions.....	42
Section 9.03.0.	Planned Development District Classifications.....	43

9.03.01	Planned residential development (PRD).....	43
9.03.02	Planned office development (POD).....	43
9.03.03	Planned commercial development (PCD).....	44
9.03.04	Planned industrial development (PID).....	45
Section 9.04.0.	General Requirements.....	45
Section 9.05.0.	Legal Instruments.....	46
Section 9.06.0.	Phased Development.....	46
Section 9.07.0.	Procedures.....	46

ARTICLE X. DESIGN OVERLAY DISTRICTS.....48

Section 10.01.0.	Central Business District Sign Overlay District.....	48
10.01.01.	Purpose.....	48
10.01.02.	Application.....	48
10.01.03.	Signs Permitted.....	48
10.01.04.	Signs Prohibited.....	48
10.01.05.	Siting Standards.....	49
10.01.06.	Nonconformance.....	49
Section 10.02.0.	Corridor Development Overlay District.....	49
10.02.01.	Purpose.....	49
10.02.02.	District Boundaries.....	49
10.02.03.	Application of District Regulations.....	50
10.02.04.	Site Design and Development Standards.....	50
10.02.05.	Review Procedure.....	51
10.02.06.	Multiple Building Sites.....	51

ARTICLE XI. OFF-STREET PARKING AND LOADING REQUIREMENTS.....52

Section 11.01.0.	Off-Street Parking and Requirements.....	52
11.01.01.	Minimum Standards.....	52
11.01.02.	Application of Standards.....	53
Section 11.02.0.	Off-Street Loading and Unloading Requirements.....	53
Section 11.03.0.	Other Requirements.....	53
11.03.01.	Paved Surface Required.....	53
11.03.02.	Driveways.....	54
11.03.03.	Buffer.....	54
11.03.04.	Size.....	54

ARTICLE XII. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES.....55

Section 12.01.0.	Purpose.....	55
Section 12.02.0.	General Provisions.....	55
Section 12.03.0.	Exemptions.....	55
Section 12.04.0.	Prohibited Signs.....	55
Section 12.05.0.	Requirements Applying to Specified Signs.....	56
Section 12.06.0.	Permits.....	57
12.06.01.	Signs for which permit is not required.....	57
12.06.02.	Fees.....	57
12.06.03.	Term of Permit.....	58
Section 12.07.0.	Maintenance.....	58
Section 12.08.0.	Billboards.....	58
12.08.01.	Structures generally.....	58
12.08.02.	Location, area and height.....	59
12.08.03.	Criteria for Construction Approval.....	59
12.08.04.	Site Plan Required.....	59
12.08.05.	Lighting.....	60
12.08.06.	Compliance with State and Federal Regulations.....	60
Section 12.09.0.	Nonconforming signs.....	60
Section 12.10.0.	Signs Permitted in All Districts.....	60
Section 12.11.0.	Signs Permitted in Residential Districts.....	60
Section 12.12.0.	Signs Permitted in Commercial Districts.....	61

12.12.01.	Neighborhood Commercial (B-1) and General Commercial (B-2) Districts.....	61
12.12.02.	Highway Commercial District (B-3).....	61
12.12.03.	Central Business District (B-4).....	62
Section 12.13.0.	Signs Permitted in Industrial Districts.....	62
Section 12.14.0.	Violations.....	62
ARTICLE XIII. NONCONFORMING STRUCTURES AND USES.....		63
Section 13.01.0.	Nonconformities Generally.....	63
Section 13.02.0.	Nonconforming Use of Land.....	63
Section 13.03.0.	Nonconforming Structure.....	63
Section 13.04.0.	Nonconforming Use of Structure.....	64
ARTICLE XIV. BOARD OF ADJUSTMENT.....		65
Section 14.01.0.	Creation and Appointment.....	65
Section 14.02.0.	Organization.....	65
14.02.01.	Officers.....	65
14.02.02.	Rules and Meetings.....	65
Section 14.03.0.	Powers and Duties.....	66
14.03.01.	Administrative Review.....	66
14.03.02.	Variances.....	66
14.03.03.	Special Exemptions.....	66
Section 14.04.0.	Procedure for Appeals.....	67
14.04.01.	Application.....	67
14.04.02.	Public Hearing and Notice.....	67
14.04.03.	Effect of Appeal.....	67
14.04.04.	Time Limit on Permits.....	67
14.04.05.	Fee.....	68
14.04.06.	Appeals from Board of Adjustment.....	68
ARTICLE XV. VALIDITY AND REPEAL.....		69
Section 15.01.0.	Validity.....	69
Section 15.02.0.	Repeal.....	69

ARTICLE I

CITATION, PURPOSE, NATURE AND APPLICATION

Section 1.01.0. Citation

These regulations, enacted pursuant to the authority granted by Act 186 of the 1957 Acts of Arkansas, as amended, shall be known as the Zoning Regulations and may be cited as such.

Section 1.02.0. Purpose

The zoning regulations set forth herein are enacted to implement the land use portion of the Comprehensive Development Plan for the City of Blytheville and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Blytheville, Arkansas; and to provide for efficiency and economy in the process of development for the appropriate use of land, for the use and occupancy of buildings, for helpful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities.

Section 1.03.0. Nature and Application

For the purposes hereinbefore stated, the City has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location and size of buildings; open space and the uses of land, buildings, and structures. The provisions of these regulations shall be considered 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 Articles contained herein relating to any or all districts.

No proposed plat of any new subdivision of land within Blytheville's corporate limits shall hereafter be considered for approval by the Planning Commission unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable land use zoning district of these regulations.

Section 1.04.0. Completion of Existing Buildings

Nothing herein shall require any change in the plans, construction, or designated use of a building under construction at the time of the adoption of these regulations. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is started on said building within ninety (90) days after adoption of these regulations.

Section 1.05.0. Area Not to be Diminished

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

ARTICLE II

DEFINITIONS

For the purpose of interpreting these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular, except where natural construction of the writing indicates otherwise.

The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

Where words have not been defined in these regulations, the Webster's Collegiate Dictionary definition shall prevail.

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

Abutting:	Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at said district line.
Access:	The way or means by which a piece of property is approached or entered.
Accessory Buildings and Uses:	An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in these regulations) located on the same lot as the use of the main building or principal use of the land. An accessory use is one which is clearly incidental to or customarily found in connection with and on the same lot as the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.
Addition:	Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
Alley:	A permanent public service way which affords only a secondary means of access to abutting property.
Apartment:	See Dwelling, Multiple.
Authorized Agent:	A person or persons authorized by the landowner to act in his behalf.
Bar:	An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other alcoholic beverages, and where any food service is secondary to the sale of such alcoholic beverages. This use may include a facility for dancing, billiards or other form of recreation.
Billboard:	See "Sign, Billboard."
Buffer:	A strip of land lying parallel and adjacent to a property line common to a dissimilar use of a more restrictive nature, upon which is placed some form of screening, such as fencing or vegetation. The purpose of a buffer is to minimize the adverse impacts of a more intense land use on a less intense land use.
Buildable Area:	The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.
Building:	Any structure including a roof supported by walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattel or property and forming a

	construction that is safe and stable; the word building shall include the word structure.
Building, Attached:	A building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.
Building, Detached:	A building having no wall, roof, floor, or other structural element in common with another building.
Building, Coverage:	The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.
Building, Facade:	The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other-side of the building.
Building, Height:	The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
Building, Line:	A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the regulations. It is equivalent to the setback or yard line.
Building, Nonconforming:	An existing building which fails to comply with the regulations (for height, size, area, yards and location) set forth in these regulations applicable to the district in which this building is located.
Building, Principal:	A building in which is conducted the main or principal use of the lot on which said building is situated.
Certificate of Occupancy:	Official certification that a premise conforms to provisions of the regulations (and Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.
City:	The City of Blytheville, Arkansas.
Child Care Facility	<p>For the purposes of these regulations, a "child care facility" is any facility which provides training, education or supervision for any unrelated minor child for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation. Such a facility may or may not be licensed by the State. This definition shall not include:</p> <ol style="list-style-type: none"> 1. public and private schools organized, operated or approved under the laws of this State; 2. custody of children fixed by a court of competent jurisdiction; 3. children related by blood or marriage within the third degree of the custodial persons; or, 4. 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. 5. businesses that set aside a portion of their facility for the care and supervision of the children of employees. Such a service shall be incidental to the primary operations of the business and be provided exclusively as a service and convenience to employees of the business.
Child Care Center:	A commercially designed and operated facility which receives six (6) or more children for care,

training, education, or supervision for any unrelated minor child, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. This also includes nurseries, nursery schools, day care centers and kindergartens. Such a facility is licensed by the State.

Child Care, Home Based Center:	For the purposes of these regulations, a "home based child care center" is a privately operated child care facility where children are cared for in a caregiver's own family residence and which receives less than sixteen (16) minor children. Such a facility may or may not be licensed by the State.
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.
Commission:	The Blytheville Planning Commission.
Conditional Use:	Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as determined by the Planning Commission and/or the City Council as outlined in Article III of these regulations.
Convalescent Home:	See Nursing Home.
Corner Lot:	A lot located at the intersection of two streets not sharing the common centerline.
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, swimming, riding, outdoor recreation, club house, locker room, and pro shop.
Day Care Facility:	Synonymous with Child Care Facility.
District, Zoning:	Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform.
Drive-In Commercial Use:	Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.
Dwelling:	Any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers. The "living quarters" must contain spaces for bathing, sleeping, and meal preparation and eating.
Dwelling, Attached:	A dwelling having any portion of one or more walls in common with adjoining dwellings.
Dwelling, Detached:	A dwelling having open space on all sides.
Dwelling, Single-Family:	A dwelling designed to be occupied by one family.
Dwelling, Two-Family:	A dwelling designed to be occupied by two families living independently of each other.
Dwelling, Multiple- Family:	A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or resort-type hotels.
Dwelling, Townhouse or Row House	Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
Dwelling Unit:	A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

Easement:	A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner of land to another party.
Enforcement Officer	That individual designated by the City to enforce the requirements set forth in these regulations.
Family:	One or more persons related by blood or marriage, including adopted children, or a group of 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.
Fence:	A man-made barrier constructed to provide privacy or visual separation between one ownership and another.
Floor Area:	The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.
Garage, Private:	An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupant and their guests of the building to which it is accessory.
Garage, Public or Repair:	A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.
Gasoline or Service Stations:	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.
Home Occupation:	Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation. Such uses as barbershop, beauty parlor, tearoom, tourist home, animal hospital and dancing school shall not be deemed to be home occupations. Section 5.07.0. contains the requirements governing home occupations.
Hospital:	An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.
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 rooms no provisions for cooking is 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, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.
Kennel:	Any lot or premises on which no more than five (5) animals (cats and/or dogs), more than six (6) months of age are kept for personal use or boarding.
Loading Space (Off-Street):	An unobstructed, hard-surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.
Lot:	A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish one building site

and comply with the Subdivision Regulations in effect for the City of Blytheville.

Lot Area:	The total horizontal area included within the lot.
Lot Coverage:	The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
Lot Depth:	The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line.
Lot, Double Frontage:	A lot having frontage on two non-intersecting streets.
Lot, Interior:	A lot other than a corner lot.
Lot Line, Front:	The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.
Lot Line, Rear:	That property boundary line which is generally parallel to and most distant from the front line of the lot.
Lot Line, Side:	A lot line other than a front or rear lot line.
Lot Lines:	The property boundary lines.
Lot of Record:	A parcel of land that is a lot in a subdivision recorded on the records of the Mississippi County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.
Lot Width:	The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line.
Manufactured Home:	A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-of-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.
Mobile Home:	A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year round residential dwelling unit, and/or which does not bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. A mobile home which is to be located in a mobile home park shall meet all of the specifications and standards as required for such mobile home parks and each individual mobile home must be anchored in compliance with the design load requirements of the Building Code of the City of Blytheville, Arkansas.
Mobile Home Park:	Land or property containing a minimum of three (3) acres which is used or intended to be used or rented for occupancy by mobile homes or movable sleeping quarters of any kind.
Motel:	A motel or motor court is a business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.
Nonconforming Building or Structure:	Any building or structure lawfully existing on the effective date of these regulations, as, amended which does not comply with all of the requirements of these regulations for governing

parking or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district requirements in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building. (See Article XIII.)

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of these regulations, as amended, which does not comply with all the requirements of these regulations governing use for the zoning district in which such land, building or structure is located. (See Article XIII.)

Nursery: See Day Care Facility.

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

Open Space: Any unoccupied space open to the sky on the same lot with the building and occupied by no structure or portion of structure whatever.

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 vehicles.

Parking Space: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways, and having direct access to a street or alley. It shall measure not less than 9' x 20'.

Permitted Use: Those uses specifically listed in these regulations as allowed without any further review by the planning commission or city council.

Pet Shop: A commercial operation in which small domestic pets and supplies are sold. This does not include outside boarding of such animals. The operation shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features, and the business shall be operated in a manner that will not adversely affect other properties and uses in the area.

Plan: A fully dimensioned drawing which illustrates in detail all elements of a development proposal included, but not limited to, property lines, streets, easements, structural element and landscaping.

Plat: An engineering drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.

Principal Use: The use which fulfills the primary function of an establishment, institution, household, or other entity.

Public Utility: Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Reclassification: An amendment to or a change reflecting a modification of the zoning district boundary map.

Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:

(a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or

- (b) Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing group living or sleeping accommodations, or
- (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility building or portions of buildings used for community facility uses.

Rest Home:	See Nursing Home.
Right-of-Way, Public:	An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.
Rooming House:	A structure containing three (3) or more sleeping rooms available to transient occupants on a periodic rental basis which contains common bathing and toilet facilities and a common kitchen and congregate dining hall.
Screening:	See "Buffer".
Service Station:	See Gasoline Service Station.
Setback:	Distance between the lot line And the building line.
Sign:	A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.
Sign Area:	The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area.
Sign, Billboard:	"Billboard sign" means a free-standing or attached outdoor advertising structure promoting any business, product, service, industry or use other than that performed on the property on which the sign is placed. The billboard may or may not be illuminated and may be any size up the maximum size permitted by these regulations.
Sign, Business:	"Business sign" means a sign directing attention to a business, commodity, service or other activity conducted on the premises upon which the sign is located.
Site Plan Review:	The process whereby the Planning Commission and staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of Articles IX and III of these regulations.
Special Use	A use of land or structure which, upon satisfying certain requirements, may be permitted or approved by the Enforcement Officer. Special uses are normally temporary in nature or of such a nature as to have no, or limited, impact on surrounding land uses.
Story:	That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half-story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of each story.

Street:	Any public or private thoroughfare which affords the principal means of access to abutting property.
Structure:	Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.
Structural Alterations:	Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
Tavern:	See "Bar".
Trailer Court:	See Mobile Home Park.
Use:	A purpose to which land is committed.
Variance:	An exception from the strict application of the provisions of these regulations.
Yard, Front:	The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and nearest point of the roof overhang of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.
Yard, Rear:	The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building. The building shall be measured from the roof overhang.
Yard, Side:	The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building, measured from the roof overhang.
Yard, Exterior:	Any yard which is adjacent to or parallel to a public or private right-of-way.
Yard, Interior:	Any yard which does not run adjacent to or parallel with a public or private right-of-way.
Zoning District:	A section of the city designated in the text in which requirements for the use of land and building and development standards are prescribed.
Zoning District Boundary:	That boundary which separates unlike zoning districts.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 3.01.0. Enforcement Officer

The provisions of these regulations shall be administered by an Enforcement Officer designated by the Mayor. (S)he may be provided with the assistance of such other persons or departments as the City Council may direct.

Section 3.02.0. Building Permit

The City will issue a building permit for either the new construction or renovation of a building within the corporate limits of the City of Blytheville only when the application has been approved by the Enforcement Officer as meeting the requirements of these regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating setbacks from perimeter property boundary lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed in the Building Permit Office.

Section 3.03.0. Certificate of Occupancy

No building hereinafter erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Enforcement Officer, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. A record of all Certificates of Occupancy shall be maintained by the Building Permit Office.

A Certificate of Occupancy may be revoked by the Enforcement Officer when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offense and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

Section 3.04.0. Violations

3.04.01. Enforcement Responsibilities

- A. If the Enforcement Officer shall find that the provisions of these regulations are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violations fail to take the necessary action to correct it, the Enforcement Officer shall notify the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.
- C. Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcement Officer. (S)he shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

3.04.02. Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply thereafter with any of the requirements thereof, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of these regulations shall be placed, or shall exist; and any architect builder, contractor, agent, engineer, person or other corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.

Section 3.05.0. Amendments

3.05.01. Amendment to Text

- A. The City Council may recommend to the Commission revisions or amendments to the text of these regulations, or the Commission may on its own motion initiate amendments.
- B. Proposed amendments to the text shall be advertised in a newspaper of general circulation at least 15 days in advance of a public hearing to be conducted by the Commission. After the public hearing, the Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text.
- C. The City Council may:
 1. Return the proposed amendment(s) to the Commission for further study and recommendation; or,
 2. Deny the recommendation(s) of the Commission; or,
 3. Adopt by ordinance, in whole or in part, any recommended amendment(s) submitted by the Commission.

3.05.02. Amendment to the Official Zoning Districts Map

- A. Amendments to the Official Zoning Districts Map may be initiated by the City Council, the Commission, or one or more persons who own property for which a change in classification is requested.
- B. If an amendment to the Official Zoning Districts Map is requested by a property owner, such request shall be presented to the Enforcement Officer via an application in such form as the Commission shall require. At a minimum, the application shall be submitted to the Commission by the property owner or his legally designated agent, at least fifteen (15) days prior to a meeting of the Commission, providing information regarding the:
 1. legal description of the property(ies) involved;
 2. current zoning classification of the property(ies);
 3. zoning classification being requested for the property(ies);
 4. a statement explaining the reasons for requesting the proposed changes;
 5. a map displaying the property and other properties within 200 feet of the proposed change(s), including the names and addresses of all affected property owners; and,
 6. such other information as the Commission may reasonably require.
- C. Whenever the Commission has completed appropriate studies, or upon receipt of the completed application for a change in zoning classification, the Commission shall proceed as follows.
 1. The Commission shall set a date for a public hearing;
 2. The Commission shall cause notice of the public hearing to be published in a newspaper of general circulation, at least one time fifteen (15) days prior to the hearing;

3. If the request for an amendment to the Official Zoning Districts Map is requested by a property owner:
 - a. The Enforcement Officer shall post of a sign or signs on the property(ies) for which a change in classification is requested. Such sign or signs shall specify the zoning classification which is being requested, as well as the date, time and location of the public hearing at which the request will be heard. The sign will be posted at least 15 days in advance of the public hearing, in such a manner as to be clearly and readily visible to adjoining properties; and,
 - b. The applicant shall notify all property owners within a 200 foot radius of the property(ies) boundaries. Such notice shall include, but not be limited to, information about the nature of the proposed zoning classification request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
4. The Commission shall conduct a public hearing, during which opponents and proponents of the proposed reclassification may speak. Prior to opening the hearing, the Commission shall be provided with evidence that all procedural requirements, including notification of affected property owners, have been satisfied;
5. At a regular or called meeting following the public hearing, the Commission shall, by majority vote of those present, deny or recommend approval, in whole or in part or in modified form, the proposed change in zoning classification.
6. If the Commission recommends approval of the request for a change in zoning classification, it shall submit a written recommendation to the City Council, stating the basis for its recommendation. A copy of this recommendation shall be provided to the applicant(s) within fifteen (15) days from the date of the decision.
7. The City Council, by majority vote, may:
 - a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 - b. return the proposed change to the Commission for further study and recommendation; or,
 - c. deny the recommended change.
8. If the Commission disapproves a proposed change in zoning classification, the reason for such disapproval shall be given in writing to the applicant within fifteen (15) days from the date of the decision. The applicant may appeal such disapproval to the City Council, provided that the applicant states specifically in writing to the City Clerk why (s)he considers the Commission's findings and decisions to be in error. Such appeal shall be filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice to the applicant.

D. An application for a change in zoning classification that has been denied by either the Commission or City Council will not be reconsidered by the Commission for a period of twelve (12) months of elapsed time from the date of final disapproval by either the Commission or City Council, unless the Commission determines through three-fourths (3/4) majority vote of the members present at the meeting that a substantial reason exists for waiving this mandatory waiting period.

3.05.03. Updates

- A. Subsequent to any approval by the City Council of any change in zoning district classification(s), the City Clerk shall be responsible for revising the Official Zoning Districts Map.
- B. Subsequent to any approval by the City Council of any change in the text of these regulations, the Enforcement Officer shall be responsible for updating, correcting, distributing, and making available such revisions.

Section 3.06.0. Conditional Uses

3.6.1. Purpose

The purpose of this section is to establish the procedures for processing conditional use applications and to establish standards by which such uses may be allowed. These regulations recognize that certain uses may or may not be appropriately located in various districts throughout the City in light of their unusual or unique characteristics of operation and/or external effects. The conditional uses listed under the various zoning district classifications are so classified because they more intensely dominate the area in which they are located than do other uses uniformly permitted in the respective district. However, the nature of such a special use makes it desirable that it be permitted to locate within the designated district, but only so long as various standards and protective restrictions are satisfied.

The Commission shall hear and approve or disapprove only those uses which are specifically listed as conditional uses in the respective zoning classifications. After detailed review of a specific use's compatibility with the area and the specific treatment of screening, landscaping and other amenities provided to protect the integrity of the neighborhood, the Commission shall have final authority, subject to the right of appeal to the City Council.

3.06.02. Review Standards

In carrying out the purposes of this Section, the following development standards and design criteria shall form the primary basis for conditional use review and approval. The Planning Commission and the City Council shall determine the appropriateness of these standards and criteria as they are applied to each specific special use permit location.

- A. The proposed special use is so designed, located and proposed to be operated that the public health, safety and welfare will be preserved and enhanced.
- B. The proposed land use is compatible with other properties in the area in which it is to be located and will not adversely affect them.
- C. The proposed use is specifically identified as a conditional use for the zoning district within which it is located.
- D. The proposed use conforms to all applicable provisions of these regulations for the district in which it is to be located, and the use facilitates public convenience at the specific location.
- E. The size and shape of the site and the size, shape, and arrangement of proposed or existing structures are in accordance with the specifics of these regulations for the zoning district in which the special permit use is located.
- F. The internal street system, ingress and egress proposed off-street parking, off-street loading, and proposed pedestrian ways are adequate for the intended use and in light of the specific requirements of these regulations.
- G. The proposal includes adequate safeguards against noxious or offensive emissions, noise, glare, dust and odor.
- H. Proposed signage will be in accordance with the sign provisions of Article XII of these regulations.

3.06.03. Procedural Requirements

- A. A conditional use shall not be granted by the Commission unless and until:
 - 1. A written application for a conditional use is submitted, on such form or forms as the Commission may direct, providing such information as the Commission may require. Such application shall be submitted to the Enforcement Officer at least twenty-one (21) days prior to the date of the public hearing. As a minimum, the application shall provide information regarding:
 - a. the applicable section(s) of these regulations on which the conditional use is authorized and requested;
 - b. a map or drawing showing the location of the proposed use;

- c. the site and its dimensions, setbacks from property lines;
- d. existing land uses, as well as the names and addresses of all property owners within two hundred (200) feet of all perimeter boundary lines;
- e. a generalized graphic representation of what is proposed including screening, landscaping, parking, access and location of the building or buildings; and,
- f. a narrative description as to the intent of the proposed use.

Further action shall not be taken until the application has been approved as complete by the Enforcement Officer, and the required fee has been received by the City Clerk.

2. The Commission shall cause to have published a notice of the public hearing. Said notice shall be given at least fifteen (15) days in advance of public hearing in an official paper or a paper of general circulation in Blytheville.
3. The applicant shall notify all property owners within a 200 foot radius of the property boundaries prior to the hearing. Such notice shall include, but not be limited to, information about the nature of the proposed conditional use request, as well as particulars about the public hearing at which the request will be heard. The applicant shall be responsible for the cost of such notifications, which shall be carried out in such manner and in such form as the Commission may direct.
4. The Enforcement Officer shall post a notice of such hearing on the property for which conditional use is sought, at least fifteen (15) days prior to the public hearing.
5. The public hearing shall be held. Any party may appear in person, or be agent or attorney. Prior to opening the hearing, the Commission shall determine that:
 - a. it is empowered under these regulations to consider the conditional use described in the application; and,
 - b. all procedural requirements have been met, including the submission of a complete application and proper notification of affected persons.

If the Commission determines that it is not authorized to consider the request, or if it determines that any procedural requirement has not been met, it shall not conduct the public hearing.

6. At a regular or called meeting following the public hearing, the Commission shall, by majority vote, shall take one of the following actions:
 - a. Approve the conditional use as submitted;
 - b. Approve the conditional use with modifications;
 - c. Defer the conditional use;
 - d. Deny the conditional use.

The Commission may impose conditions and restrictions upon the premises benefiting by the conditional use approval as may be necessary to reduce or minimize the injurious effects of the conditional use. In making its decision, the Commission shall be guided by the review standards defined in Section 6.2 above.

7. The Planning Commission shall transmit a written notice of its decision to the applicant within fifteen (15) days of the meeting at which the application was considered.

B. The decision of the Commission, with respect to any application for a conditional use, shall be final, unless an appeal is made to the City Council. Said appeal shall be in writing and filed with the City Clerk within fifteen (15) days after the date the Commission sends the written notice of approval with modification or denial to the applicant. The sole basis for such appeal shall be an assertion that the Commission's findings and decisions were in error.

Section 3.07.0. Special Use Permits

The Enforcement Officer may issue Special Use Permits, for authorized special uses enumerated in Articles VI, VII or VIII and Section 5.14.0.

Section 3.08.0. Fees

The following schedule of fees shall apply to the actions described below.

A. Amendments to a zoning district boundary:	\$50.00
B. Conditional Use:	\$50.00
C. Special Use Permit:	\$25.00
D. Variance:	\$50.00

Under no condition shall any sum, or any part thereof, be refunded for failure of the City to approve any application.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

Section 4.01.0. Zoning Districts Established

For the purpose of these regulations, the City is hereby divided into land use zoning districts, as follows: (Definitions for each residential district can be found at Section 6.02.0, commercial districts at Section 7.02.0, and industrial districts at Section 8.02.0.)

- R-1 Single-Family Residential
- R-2 Low Density Residential
- R-3 Medium Density Residential
- R-4 Estate Residential
- B-1 Neighborhood Commercial
- B-2 General Commercial
- B-3 Highway Commercial
- B-4 Central Business District
- I-1 Light Industrial
- I-2 General Industrial

Section 4.02.0. Zoning Districts Map

The location and boundaries of the land use zoning districts established by these regulations are delineated on the attached map designated as "Official Zoning Map." The map, together with the legend, words, figures, symbols, dimensions, and explanatory material thereon, is declared to be a part of these regulations and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by the general public Monday-Friday during normal business hours.

Section 4.03.0. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways and alleys shall be construed as following such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as parallel to or extensions of features mentioned in the preceding rules shall be so construed.
6. In circumstances not covered by the preceding rules, the Board of Adjustment shall interpret the district boundaries.

Section 4.04.0. Annexed Lands

4.04.01. Boundaries.

The boundary line of a land area proposed for annexation to the City of Blytheville shall be drawn in such a manner as to include the entire width of any adjacent or contiguous public rights-of-way or easements, in contrast to a location of the centerline or along the interior side of the right-of-way or easement.

4.04.02. Zoning Classification(s)

The zoning district classification(s) of any new additions and annexations of land to the City of Blytheville after adoption of these regulations shall be established in one of two ways:

- A. The petitioner(s) for annexation may request specific zoning classifications as a part of the petition for annexation. In this event, the City Council shall direct the Planning Commission to make such studies as it deems advisable and appropriate, and make recommendation regarding the proper zoning classification of such lands. The procedures governing amendments to the Zoning Districts Map at Section 3.05.02. shall be followed.
- B. In the event that no specific zoning classification has been requested in the petition for annexation, the annexed lands shall automatically be classified as R-1 Single-Family Residential and subject to the requirements of that classification upon the effective date of said annexation. Such classification shall be valid for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition. Within this one (1) year of time, the City Council shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with any applicable plans adopted by the City of Blytheville. The procedures governing amendments to the Zoning Districts Map at Section 3.05.02. shall be followed.

Section 4.05.0. Vacation of Public Easements

Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

ARTICLE V

GENERAL DISTRICT PROVISIONS

Section 5.01.0. Accessory Buildings

5.01.01. Definition.

Accessory buildings and uses are permitted in each of the districts described herein, but only in cases where all the standards and criteria of this section are satisfied. A building or use is "accessory" when it:

1. is subordinate to and serves a principal building or principal use; and,
2. is subordinate in area, extent, or purpose to the principal building or principal use served; and,
3. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and,
4. is operated and maintained under the same ownership as the principal permitted use; and,
5. is located on the same zoning lot as the principal building.

5.01.02. Coverage Limitations.

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 at least five feet (5') from the rear or side lot lines, is not located within any public easement, and when occupying, in the aggregate, not more than:

1. In residential districts, thirty percent (30%) of the area of such required rear yard.
2. In commercial districts, thirty percent (30%) of the rear yard or ten percent (10%) of the area of the lot, whichever results in the smaller accessory building(s).
3. In industrial districts, if operated partially or entirely:
 - a. in detached structures, such detached structures shall be limited to a gross floor area of not more than ten percent (10%) of the area of the lot on which the principal permitted use and the accessory use are located, or thirty percent (30%) of the required rear yard, whichever results in the smaller accessory building(s).
 - b. within the structure containing the principal permitted use, the gross floor area within such structure(s) utilized by accessory uses, excepting garages, loading docks, and company dining rooms, shall not be greater than ten percent (10%) of the gross floor area of the structure(s) housing principal permitted use and the accessory use.
4. Satellite dishes or other electronic antennae must be placed in rear yard only.

Section 5.02.0. Automobile Wrecking and Junk Yards

5.02.01. General

Because of the nature and character of the operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a detrimental effect on surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for an automobile wrecking or junk yard properly minimizes its objectionable characteristics, the standards established in Section 5.02.02. shall be used.

5.02.02. Standards

- A. *Location*: Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than eight hundred (800) feet to any established residential zoning district.
- B. *Screening*: All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from not less than eight feet (8') to not more than twelve feet (12') in height. Storage between the street and such fence is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.
- C. *Off-Street Parking*: Off-street parking shall be provided, consistent with the requirements of Article XI.
- D. *Ingress and Egress*: The number of vehicular access driveways for junk yards and automobile wrecking yards having frontage on a State or Federal highway shall be regulated by the Arkansas Highway & Transportation Department.

Section 5.03.0. Child Care Facilities.

5.03.01. Where Permitted

- A. *Child Care Center*. A child care center may be located, as a conditional use, in any commercial district.
- B. *Child Care Home Based Center*. A home based child care center may be located, as a conditional use, in any residential district.

5.03.02. Requirements for a Home Based Child Care Center.

In addition to the general standards for reviewing a conditional use, such facilities shall meet the following criteria:

1. The center shall be located in the single-family dwelling which is the permanent residence of the operator or caregiver and shall be operated in a manner that will not change the character of the residence.
2. The dwelling shall be located on a lot having not less than nine thousand (9,000) square feet of area and all portions of said lot used for outdoor play space shall be fenced with an opaque, ornamental fence not less than four feet (4') in height.
3. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features; and,
4. The Center shall be operated in a manner that will not adversely affect other properties and uses in the area.

Section 5.04.0. Fences, Walls and Hedges (Residential Zones)

Notwithstanding other provisions of these regulations, fences, walls and hedges shall be permitted in any required yard, or along the periphery or edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any required front yard shall be over four (4) feet in height. Fences, hedges or walls may project into or be located along the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of eight (8) feet. A permit must be issued by the Enforcement Officer before any fence or wall is erected, however, there shall be no fee for the issuance of said permit.

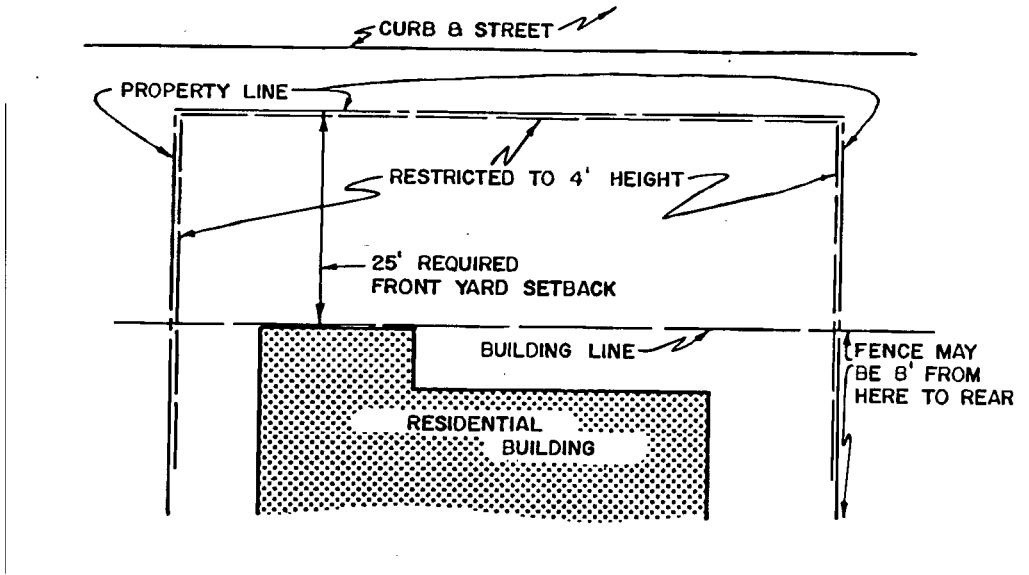


Figure 5.1

Section 5.05.0. Erection of More than One Principal Structure on any Lot

- A. In any residential district, only one principal structure and its customary accessory buildings shall hereafter be erected on any lot.
- B. Where an accessory structure is attached to principal structure in a substantial manner, or the equipment of said structure includes a sink, cook stove, or other kitchen facilities for the independent occupancy thereof, this shall be *prima facie* evidence that such building is not an accessory structure, but a separate dwelling which must meet all the standards of lot area and yard requirements of the district in which it is located.
- C. Garage apartments are permitted if the lot and buildings are so designed and arranged that said structure is accessible directly to a public right-of-way of not less than fifty feet (50') in width by a driveway or travelway at least twelve feet (12') in width.

Section 5.06.0. Interpretation of Uses

In the event an applicant wishes to use property for a use which is not specifically identified under permitted or conditional uses, and where such use is not specifically prohibited from the district, the following provisions shall apply:

1. The Enforcement Officer shall submit to the planning commission a written request for a determination of the unclassified use.
2. The planning commission shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
3. If the planning commission determines that the use is of a similar character and meets the intent of the uses permitted inherently within the district, then it shall instruct the Enforcement Officer to issue a permit.
4. In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of the conditional uses within the district, then the applicant shall apply for a conditional use subject to review procedures of Section 3.06.0.

5. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by these regulations within a certain district.
6. Once a use has been allowed or disallowed by the planning commission, it shall then be classified under the appropriate category in the district.

Section 5.07.0. Home Occupations

An occupation may be carried on in a residential structure in any residential district only if:

1. It does not involve the use of commercial vehicles operating from the residence.
2. It is clearly secondary to the dwelling purpose of the structure and does not involve a change in the residential character or appearance of the structure.
3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses. When a State Statute or Regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized with the approval of the Board of Zoning Adjustment.
4. It does not have a sign in excess of four (4) square feet solely to identify the business, occupation or profession, and such sign must be physically attached to the structure.
5. It does not involve the external display of goods and services.
6. The occupation must be carried on by the occupant of said residence; and it must not involve more than two (2) employees, one (1) of whom shall be the occupant.
7. It meets the definition of "Home Occupation" at Article II.

Section 5.08.0. Flammable Liquids and Gases

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code.

Section 5.09.0. Exceptions to Height Requirements

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, spires, church steeples, necessary mechanical apparatus or other structures not intended for human occupancy or use may be erected to any height not in conflict with any other ordinance of the City.

Public, semi-public, or public service buildings, hospitals, institutions, churches and schools, when permitted in a zoning district, may be erected to exceed height limits specified for the district, provided all required yards are increased by one (1) foot for each foot of building height above the specified height limit.

Section 5.10.0. Mobile Homes

The parking or placement of an individual mobile home as the principal residential structure on an individual lot is not permitted in any zoning district, except as a nonconforming use subject to the provisions of Section 13.1.2. A mobile home may be placed or parked as a temporary structure or accessory use through the Special Use Permit process described in Section 3.07.0.

Section 5.11.0. Service Station Pumps

Service station pumps and pump islands may occupy the required yards, provided however, that they are not less than fifteen feet (15') from all property lines.

Section 5.12.0. Storage and Parking of Trailers and Commercial Vehicles

5.12.01. Parking or storage limitations.

Commercial vehicles and trailers of all types including travel, camping and hauling shall not be parked or stored on any lot in any residential district, except in accordance with the following provisions:

1. Not more than one (1) commercial vehicle which does not exceed one (1) ton rated capacity, per family dwelling unit on the premises, shall be permitted, but in no case shall such commercial vehicle be used for hauling explosives, gasoline, or liquefied petroleum products.
2. Not more than one (1) camping or travel trailer or recreational hauling trailer per family dwelling unit on the premises shall be permitted and said trailer shall not exceed thirty-five feet (35') in length or eight feet (8') in width; and further provided that said trailer shall not be parked or stored for more than one (1) week in duration unless it is located behind the front yard building line.

5.12.02. Occupancy Prohibited.

A camping or travel trailer shall not be occupied:

1. permanently at any time while it is parked or stored in any area within the incorporated limits; or
2. temporarily unless it is parked in a designated and permitted recreational vehicle travel park.

This section shall not prohibit the use of trailer occupied only in a commercial district on a temporary basis that 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. The person desiring to utilize this Section is 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. (Passed by City Council on June 20, 2006)

Section 5.13.0. Setbacks from Identified Major Thoroughfares

Major thoroughfares have been established through the preparation of a Comprehensive Development Plan for the City and are identified on the Major Thoroughfare Plan. Future rights-of-way for each major thoroughfare shall be of equal distance from the centerline of the proposed major thoroughfare. When a lot identifies the location of an identified major thoroughfare, the required front yard or side yard setback shall be measured from the future right-of-way line; and buildings and structures shall be located accordingly.

Section 5.14.0. Temporary Dwelling for Construction, Maintenance or Security Personnel

A mobile home or other type of dwelling unit intended for temporary use may be located within any district as a special permit use for occupancy by construction, maintenance, or security personnel in accordance with the provisions of Section 3.07.0.

Section 5.15.0. Visibility at Intersections in Residential Districts

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street in the area bounded by the street right-of-way lines of such corner lot and a line joining points along said streets rights-of-way lines twenty-five feet (25') from the point of intersection. Graphic illustration of this requirement is provided at Figure 5-2.

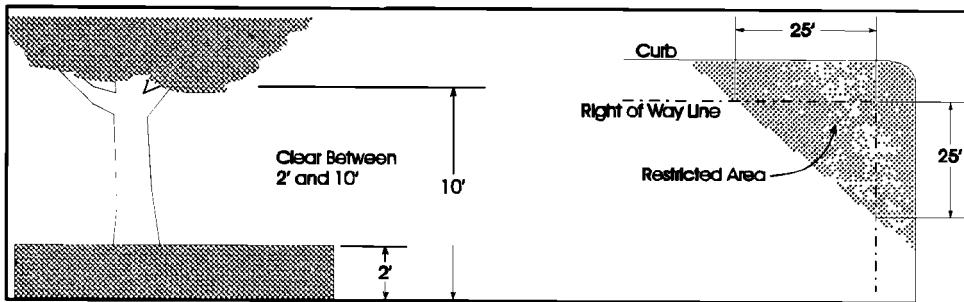


Figure 5. 2

Section 5.16.0. Broadcast media and wireless communication towers

5.16.01. Definition.

In this section "tower" means any mast, brace, or other structure used for the support of radio, television, broadcast media or wireless communication antennas.

5.16.02 Site Location criteria

Transmission towers may be permitted only in those zoning district where they are specifically identified as a conditional use, and must meet the following siting conditions:

1. The owner/user shall first consider sharing other existing or proposed towers in lieu of building a new tower. As part of the application for approval as a conditional use, the applicant shall specifically provide justification as to why sharing is not practical or possible.
2. No tower may be located such that it could strike another tower or supporting structure of another tower should it fall.
3. The tower shall be set back a distance equal to or greater than its height from any residential structure, public road or residential zoning district and not closer than twenty percent (20%) of its height or the distance between the tower base and guy wire anchors, whichever is greater, from any other structure (apart from its accessory buildings).
4. The tower shall be set in a manner that all ice-fall or debris from the tower structure (including tower failure) or guy wires will not fall outside the parcel (being the property purchased or leased for the tower site) containing the tower.
5. All guy wire anchors shall be located not less than twenty-five feet (25') from the parcel boundary.
6. The tower shall not be artificially lighted unless required by the FAA or state department of aeronautics. That lighting shall be restricted to dual lights (medium intensity white strobe lights daylight mode and red obstruction lights nighttime mode) unless the FAA or state department of aeronautics requires another type of lighting.
7. All accessory structures will meet the normal setbacks for the district in which they are located.
8. Accessory facilities shall not include offices, long-term vehicle storage, other outside storage, broadcast studios (except for emergency purposes) or other uses that are not needed to send or receive transmissions, and in no case may exceed twenty-five percent (25%) of the floor area used for transmission equipment and functions.

9. Existing on-site vegetation shall be preserved to the maximum extent practicable.

10. All towers and accessory structures shall be surrounded by a solid vegetative buffer strip to form a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view from the surrounding properties. The buffer shall consist of evergreens which will reach a minimum height of at least eight feet (8') within five (5) years. The vegetation shall not encroach over the adjacent property lines and shall provide a complete screen during all months of the year. The plant material and layout must be approved by the Commission, prior to issuance of a permit. Other types of vegetation, topography, walls, and fences may be substituted, as approved by the Commission.

11. The tower shall not be located so that would be a hazard to aircraft or a source of adverse electromagnetic interference for the surrounding property owners.

12. Whenever feasible, the tower should be designed with the capacity for shared use with other potential tower users.

Section 5.17.0. Manufactured Home Siting Requirements.

The following siting standards shall apply to all instances of placement of manufactured homes permitted conditionally in a residential district:

1. A pitched roof of at least three feet (3') rise in twelve foot (12') run;
2. Removal of all transport elements;
3. Permanent foundation;
4. Exterior wall finished so as to be compatible with the neighborhood;
5. Orientation compatible with placement of adjacent structures;
6. Underpinning with permanent materials; and,
7. Compliance with other district standards.

Section 5.18.0. Existing Manufactured Home Subdivisions.

After the effective date of the adoption of these regulations, any subdivision that was platted with the explicit intent that lots in such subdivision are to be occupied primarily or exclusively by manufactured homes, shall comply with the reduced lot, yard and height requirements of these regulations at section 6.04.0., provided that:

1. This exception shall apply to only to a subdivision that was platted prior to the effective date of these regulations, including subdivisions that are subsequently annexed into the corporate limits of the City of Blytheville;
2. It shall be the burden of any property owner wishing to occupy a lot under these reduced standards to prove that the subdivision was intended primarily for the location of manufactured homes;
3. No mobile home, as defined within these regulations, shall be placed on any lot that was vacant as of the effective date of these regulations.

ARTICLE VI

RESIDENTIAL DISTRICTS

Section 6.01.0. General Purposes

The residential districts established by these regulations are designed to promote and protect the health, safety, convenience, order, and the general welfare of the citizens of Blytheville. This broad aspiration is supported by the following purposes and objectives:

1. To provide sufficient space at appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the City of Blytheville, giving adequate consideration to the need for a variety of choices in site selection and site design.
2. To permit improved movement on the public street system and to efficiently utilize existing public streets; and insofar as possible, to ameliorate the effects of heavy vehicular traffic through residential areas.
3. To provide residential areas with basic protection against harmful levels of congestion through the regulation of density of population, the intensity of development, and the bulk of buildings in relationship to the surrounding land areas and the larger neighborhood.
4. To provide for access of light and air to windows and to provide for privacy through controlling the height of buildings and their proximity to each other.
5. To promote the most desirable use of land and building development, to protect the character of each district and its suitability for particular uses; and to conserve the value of land and buildings.

Section 6.02.0. Purpose of Each District

6.02.01. Single-Family Residential (R-1)

This district is designed for those existing and future areas of the City that are characterized by a quiet residential neighborhood. The principal uses of land are for single-family dwellings and related recreational, religious, educational, and institutional facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through a consideration of the proper functional relationship of each element. The requirements for this district are designed to stabilize and protect the essential characteristics of the neighborhood and to prohibit all activities of a commercial nature.

6.02.02. Low Density Residential (R-2)

This is a residential district of the same general type and character as that described above for the R-1 District, containing many of the same requirements and restrictions as applicable to the R-1 District, but allowing for a slightly higher population density than permitted in the R-1 District. The principal uses of land are for single-family, two-family, and low density multi-family developments, all supported by necessary religious, educational, institutional, and recreational facilities normally required to provide the basic elements of a balanced and attractive residential neighborhood.

6.02.03. Medium Density Residential (R-3)

This is a residential district intended to provide environmentally suitable space for medium density developments. The principal uses of land in this district are single-family dwellings, two-family dwellings, low-rise multiple family dwellings, townhouses, condominiums; and, under certain specified conditions, home occupations, and mobile home

parks. The principal uses are intended to be supported by the necessary recreational, religious, institutional and educational uses that are normally located in close proximity in order to service the residential areas and to provide for a balanced and acceptable residential neighborhood.

6.02.04. Estate Residential (R-4)

This district is intended to provide a location for the land situated within the city limits and on the fringe of the urban area that is either used for agricultural purposes or is suitable for development to a lesser density than other, more built-up areas within the City. The types of residences may essentially be semi-rural, estate, recreational, or second home, and located on large lots. It is not intended that this district provide a location for a lower standard of residential development, but rather a lower density of development, or the type of development that represents a transition from traditional agriculture to urban-type developments.

Section 6.03.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"□" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use per the requirements of section 3.06.0.

"SP" means that the listed use is permitted subject securing a permit from the Enforcement Officer.

"X" means that the use is prohibited.

RESIDENTIAL DISTRICTS

Permitted Uses	R-1	R-2	R-3	R-4
A. Residential				
Condominiums, Sales	X	X	□	X
Manufactured Home	X	□	□	X
Mobile Home Park	X	X	□	X
Rooming or Boarding House	X	X	□	X
Single-Family Attached	X	□	□	X
Single-Family Detached	□	□	□	□
Single-Family Manufactured Home	X	□	□	X
Townhouse, Rental	X	X	□	X
Two-Family Dwelling	X	□	□	X
Multiple-Family Dwellings	X	□	□	X
B. Commercial				
Bed & Breakfast	X	CU	CU	CU
Child Care - Home based center (less than six (6) children)	CU	□	□	CU
Child Care - Home based center (more than five (5) but less than sixteen (16) children)	X	CU	□	X
Home Occupation	□	□	□	□
C. Community Facilities and Public Utilities				
Art Gallery, Museum (Public)	X	X	CU	CU
Church or other place of worship	CU	CU	CU	CU
Club or lodge, private except those whose chief activity is carried on as a business	X	X	CU	CU

Permitted Uses	R-1	R-2	R-3	R-4
Community building, public	CU	CU	CU	CU
Electrical or gas substation	CU	CU	CU	CU
Establishment for care of alcoholic, drug or psychiatric patients	CU	CU	CU	CU
Golf course, but not including commercially operated driving range or miniature golf course	CU	CU	CU	CU
Hospital, health center, institution for aged or children, and extensions or additions to existing	CU	CU	CU	CU
Library	CU	CU	CU	CU
Nursing, convalescent or rest home and extensions or additions to existing	CU	X	CU	CU
Park or playground	□	□	□	□
School, public, parochial, or private non-profit	CU	CU	CU	CU
Telephone exchange, but not including garage, shop or service buildings	CU	CU	CU	CU
Water treatment plant, pumping station, elevated storage or reservoir	CU	CU	CU	CU
D. Agricultural				
Animal husbandry, dairying, and pasturage	X	X	X	X
Field crops, floriculture, greenhouses, horticulture, nursery truck gardening or viticulture, but not including retail sales on the premises	CU	CU	CU	□
E. Other				
Temporary structures for construction and/or sales operations	SP	SP	SP	SP
Nonconforming uses, subject to the provisions of Section 14.03.03.	CU	CU	CU	CU
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	CU	CU

Section 6.04.0. Lot, Yard and Height Requirements

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height requirements to be exceeded for such district as set forth in the following table. All uses not specifically listed below, e.g. community facilities, public utilities, etc. shall satisfy the most restrictive area, yard and height requirements listed below for the particular zoning district in which they are located. These restrictions may be:

1. superceded by the design of a Planned Unit Development approved by the Planning Commission consistent with the procedures and standards of Article IX;
2. granted a variance by the Board of Adjustment, consistent with the provisions of Section 14.03.02.

Residential Lot, Yard & Height Requirements

D I S T R I C T	USE	LOT AREA (SQ. FT.)	OPEN SPACE PER DWELLING (SQ. FT.)	LOT WIDTH AT BLDG. LINE ^a	LOT COVERAGE MAX %	FRONT YARD	SIDE ^b		REAR YARD	HEIGHT MAXIMUM ^c	
							INTERIOR	EXTERIOR CORNER LOT		STORIES	FEET
								Backing Up to Side Yard			
R-1	SF Detached Non-residential	7,000 7,000	N/A N/A	50 50	30 40	30 30	5 10	10 15	10 20	20 20	2½ 2½ 35
R-2	SF Detached SF Duplex MF Dwelling Non-residential	5,000 10,500 10,500 10,500	N/A N/A N/A N/A	50 65 65 65	30 40 40 40	25 25 25 25	5 7 7 7	15 15 15 15	15 15 15 15	20 20 20 20	2½ 2½ 2½ 2½ 35
R-3	SF Detached SF Duplex MF Apartment Condo/Townhouse Non-residential	5,000 10,500 10,500 ^d 10,500 ^d 7,000	N/A N/A 750 750 N/A	50 50 60 22 50	40 40 60 60 50	25 25 25 25 25	5 5 10 10 15	10 15 20 20 10	10 15 20 20 20	20 20 20 20 20	2½ 2½ 2½ 2½ 35
R-4	SF Detached Non-residential	10,500 10,500	N/A N/A	65 75	30 35	30 30	5 15	15 15	15 20	30 30	2½ 2½ 35

Notes:

- a. This minimum requirement shall not apply to any lot that was recorded on a plat of record prior to the effective date of these regulations, provided that:
 - 1. the minimum lot width, as measured at the building line, may be reduced to:
 - (a.) fifty feet (50') in R-1, R-2 or R-3 districts, or
 - (b.) forty feet (40') in an R-4 district, provided that the principal structure on such a lot is at least twenty-six feet (26') in width; and,
 - 2. front and rear yard requirements can be met; and,
 - 3. the requirements of note (b) below can be met.
- b. On any lot that does not meet the minimum lot width requirements above, but which was recorded on a plat of record prior to the effective date of these regulations, there shall be two side yards each equal to ten percent (10%) of the platted width of the lot.
- c. Community facilities, when permitted, are subject to the requirements of Section 5.09.0.
- d. Minimum lot area is 10,500 square feet or 1,400 square feet per living unit, whichever is greater.

Section 6.05.0. Mobile Home Parks

All new mobile home parks that are established or existing mobile home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

6.05.01. Permitted District Locations

Mobile home parks shall be permitted only in the Medium Density Residential District (R-3) zone.

6.05.02. Development Standards

Mobile home parks shall be developed to provide a desirable residential environment appropriate to the needs and desires of the occupants. Mobile home spaces should be harmoniously and efficiently organized in relation to topography, existing trees and shrubs, and other natural features. A stylized uniform pattern in lining up units should be avoided. The mobile home park shall conform to the following standards:

1. Parks shall be established on large, well-drained tracts of land and no parcel of land containing less than three (3) acres.
2. Each mobile home space shall contain not less than 4,000 sq. ft. minimum area. Spaces may be irregular in shape, but each mobile home space shall be not less than 40 feet in width and of adequate shape to provide off-street parking for two (2) automobiles.
3. The minimum front yard setback shall be twenty feet (20') to the front lot line of the mobile home park. Additionally, each mobile home unit shall be set back at least 20 feet from all internal drives and access routes through the mobile home park.
3. The minimum distance between mobile homes shall be twenty feet (20'), and under no circumstances shall there be more than eight (8) mobile home spaces developed in any one (1) acre of the mobile home park.
4. Mobile home parks must be set aside and improve an area to be used for recreational purposes. All parks shall develop a recreational area equal to eight percent (8%) of the total land area of the park.
5. Internal streets and drives shall be designed for safe and convenient access to all mobile home spaces. All such internal drives shall be privately-owned, built and maintained. Such roadways shall be at least twenty (20) feet in width and shall be constructed with a bituminous or concrete surface.
6. No building or structure erected or stationed in the mobile home park shall have a height greater than one (1) story or fifteen feet (15').
7. 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 grouped parking bays specifically designed for this purpose close to the site served.

6.05.03. Review Procedure

The Commission shall review all proposals for Mobile Home Park design using the Conditional Use procedures of Section 3.06.0. of these regulations.

ARTICLE VII

COMMERCIAL DISTRICTS

Section 7.01.0. General Purposes

Various commercial districts are established by these regulations for the support of business, commerce, finance, and other activities of a commercial or service nature that are customarily carried on for the economic base support of the overall community and to serve the specific needs of the residents of the community.

Section 7.02.0. Purpose of Each District

7.02.01. Neighborhood Commercial District (B-1)

This commercial district is intended to provide a place for the types of office, service, and commercial activities that serve the regular needs and/or for the convenience of the people residing in the adjacent residential areas. Because these shops, stores and offices may be an integral part of the neighborhood closely associated with residential, religious, and recreational elements, restrictive requirements are made for light, air, use intensity and open space. These are designed not only to make the commercial uses compatible with nearby residential uses but also are intended to control the intensity of development and use. This district also permits a limited mixture of residential uses along with business and/or commercial uses in order to facilitate integration with existing development and to encourage development of mixed-use projects under controlled conditions.

7.02.02. General Commercial District (B-2)

This is a district designed to permit the development of commercial centers of higher intensity of use and greater variety of uses than permitted in the B-1 Neighborhood Commercial District; that is, commercial developments intended to serve trade areas larger than a single neighborhood in size, including neighborhood, community, or regional-scaled shopping-centers. It is anticipated that the B-2 General Commercial District will be utilized where retail areas are needed to serve developing residential communities.

7.02.03. Highway Commercial District (B-3)

This is a district usually located along major highways or arterial streets, used primarily for the retailing of durable goods, implements, heavy appliances and vehicles; providing services and lodgings for transient visitors or diners; and for uses which because of their nature require open storage or display of goods or material; and which require large-scale advertising. As this district is generally located in close proximity to residential areas, the regulations are designed to permit development of enumerated uses but limited by standards and requirements that are intended to protect and preserve the abutting or surrounding residential districts, and to minimize potential traffic hazards.

7.02.04. Central Business District (B-4)

This district is located centrally within the Blytheville community and is used primarily to provide office space for local, regional, and national commercial activities or government; retailing and personal services of all kinds; temporary housing for nonresident of the district; and other intensively operated commercial uses. The regulations are designed to permit a concentrated intensive development of enumerated facilities and uses, limited by standards intended to provide light and air, insure adequate street exposure of buildings in the district, and to protect the district itself from over-intensive development of land coverage and over-congestion as related to the ultimate capacity of common public facilities which serve the entire district and the existing traffic circulation street system.

Section 7.03.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"□" means that the listed use is permitted by right in that district.

"CU" means that the listed use is conditionally permitted, subject to approval of the planning commission, pursuant to the conditional use procedures as set forth below in Section 3.06.0.

"SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.

"X" means that the use is prohibited.

COMMERCIAL DISTRICTS

PERMITTED USES	B-1	B-2	B-3	B-4
A. Commercial				
Amusement park, commercial	X	CU	□	X
Antique store	X	□	□	□
Appliance sales and service	X	□	□	□
Automotive accessory and supply store	X	□	□	□
Automotive and truck rental	X	X	□	□
Automotive and truck sales (new and used) and service	X	X	□	□
Automotive body shop	X	X	□	□
Automotive car wash	X	X	□	□
Automotive service station, not including body or motor repair or painting	X	□	□	□
Bakery - retail sales	X	□	□	□
Bank, savings and loan, and other financial institutions	□	□	□	□
Bar or tavern	X	X	□	□
Barber or beauty shop	□	□	□	□
Barber and beauty equipment and specialties sales	X	X	□	□
Bicycle rental, repair sale	X	□	□	□
Boat and marine rental, repair, sales	X	X	□	□
Bookbinding	X	X	□	□
Bowling alley	X	X	□	□
Building supplies, including sale of lumber	X	X	□	□
Bus station	X	X	□	□
Carnival, circus or similar temporary amusement enterprise	CU	CU	□	□
Carting, crating, express hauling, moving or storage	X	X	□	□
Child Care Center, nursery, or kindergarten (including home based)	□	□	CU	CU
Clinic: dental, medical or osteopathic, chiropodist, pharmacy	□	□	□	□
Clothing store	X	□	□	□
Club or lodge	X	X	□	□

PERMITTED USES	B-1	B-2	B-3	B-4
Cold storage plant	X	X	□	CU
Convenience food store	□	□	□	CU
Department store	X	□	□	□
Drug store or pharmacy	□	□	□	□
Dry cleaners	X	□	□	□
Eating place, with interior dining facilities	X	□	□	□
Eating place providing service in automobiles	X	X	□	□
Establishment for care of alcoholic, drug or psychiatric patients	CU	CU	CU	CU
Farm equipment sales, service, repair	X	X	□	X
Feed and fertilizer sales	X	X	□	□
Floor covering sales, retail	X	X	□	□
Florist shop and greenhouse	X	□	□	□
Food locker plant	X	□	□	X
Freight depot, railroad or truck	X	X	□	□
Funeral home, mortuary or undertaking establishment	X	□	□	CU
Furniture and home furnishings repair	X	X	□	□
Furniture and home furnishings, sales only	X	□	□	□
Garage or parking for commercial or public utility vehicles	X	X	□	CU
Gift, novelty store	X	□	□	□
Golf driving range, commercial	X	CU	□	X
Grocery store	X	□	□	□
Hardware store	X	□	□	□
Hotel	X	X	□	□
Ice cream store	X	□	□	□
Ice vending establishment	X	□	□	□
Interior decorating shop	X	□	□	□
Jewelry sales and repair	X	□	□	□
Kennel	X	X	□	X
Laundry pickup station only	□	□	CU	CU
Laundry plant	X	X	□	□
Laundry, self-service	□	□	□	CU
Liquor sales, for consumption off the premises	X	X	□	□
Loan office	□	□	□	□
Locksmith, key shop	X	□	□	□
Mini-warehouse	X	□	□	X

PERMITTED USES	B-1	B-2	B-3	B-4
Mobile home sales and service	X	X	□	X
Monument sales	X	X	□	X
Motel	X	X	□	□
Newspaper distribution station	X	□	□	□
Newspaper offices, print shop	X	□	CU	□
Offices: medical, chiropractic, dental, optical, osteopathic	□	□	□	□
Offices: professional and governmental, accounting, architecture, engineering, insurance, law, real estate and others of similar character	□	□	□	□
Office equipment and supplies, retail sales, service, rental and repair	X	□	□	□
Paint and wallpaper store	X	□	□	□
Pet shop	X	□	□	□
Plumbing fixtures, sales and service	X	□	□	□
Recreation or amusement center	X	X	□	□
School, commercial or trade	X	X	□	□
School, nursery or day care	X	□	□	CU
Shoe sales and repair	X	□	□	□
Sign, advertising	X	X	□	X
Sign, identification	□	□	□	□
Skating rink or roller rink	X	X	□	X
Sporting goods sales	X	□	□	□
Studio, photographic, musical	CU	□	□	□
Swimming pool, commercial	X	X	□	X
Theater, drive-in	X	X	□	X
Theater, indoor	X	□	□	□
Tourist home	X	X	□	□
Variety store	X	□	□	□
Veterinarian, animal clinic	X	CU	□	X
Warehousing, inside storage only	X	X	□	□
Warehousing, packaged products	X	X	□	□
Wholesale establishment	X	X	□	□

B. Manufacturing

Advertising displays, sign printing	X	X	□	□
Baked goods, candy, bread, dairy and ice cream manufacturing	X	X	□	□
Bottling works, all beverages	X	X	□	CU
Carpentry, custom wood working or furniture making	X	X	□	X

PERMITTED USES	B-1	B-2	B-3	B-4
Custom ceramic products, manufacturing	X	X	□	X
Jewelry, watch making	X	X	□	□
Printing or publishing, including engraving or photo-engraving	X	X	□	□
Sheet metal shop	X	X	□	□
Tire recapping	X	X	X	CU
Welding shop	X	X	CU	X

C. Community Facilities and Public Utilities

Art gallery or museum	CU	X	X	X
Auditorium, assembly	CU	X	X	X
Communications, receiving, or transmitting facilities, including towers.	X	CU	CU	X
Electrical or gas regulator station	CU	□	□	□
Golf course, including commercially operated driving range or miniature golf	X	X	□	X
Highway or street maintenance garage, yard or similar facility	X	X	CU	X
Hospital, health center, institution for aged or children	CU	CU	□	CU
Institution, non-residential	X	X	□	□
Library	□	□	□	□
Post Office	X	□	□	□
Skating or roller rink	X	X	□	X
Stadium, arena or similar facility	X	X	□	X
Telephone exchange, including garage, shop or service facilities	CU	CU	CU	CU
Water filtration plant, pump station, elevated storage or reservoir	CU	CU	CU	CU

D. Residential

Multi-family dwellings or rooming houses	X	CU	□	CU
--	---	----	---	----

E. Agricultural

Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine or feeding or offal or garbage	X	X	X	X
Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening	X	X	CU	X

F. Others

Temporary structures for construction and/or sales operations	SP	SP	SP	SP
Other similar uses, not specifically enumerated above, but determined by the Commission to be consistent with the character and requirements of the district.	CU	CU	CU	CU

Section 7.04.0. Lot, Yard and Height Requirements

No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height requirements to be exceeded for such district as set forth in the following table.

Lot Requirements	Zoning District			
	B-1	B-2	B-3	B-4
Minimum lot area (sq. ft.)	7,000	7,000	10,000 ^b	3,500
Minimum lot width at building line (feet)	50	50 ^a	100 ^b	25
Maximum lot coverage (percent)	60	60	80	100
Yard Requirements (in feet)				
Minimum Front Yard	25	25	25 ^c	0
Minimum Rear Yard	20	20	20	0
Minimum Side Yard				
Interior				
(a) when abutting property in residential district	15	15	25 ^b	25
(b) when abutting property in non-residential district	15	5	15 ^b	0
Exterior	15	25	25 ^b	0
Height Requirements ^d				
Maximum number of feet	35	35	45	75
Maximum number of stories	2½	2½	3½	6½

Notes: a. Service stations shall have minimum of one hundred feet (100').

- b. If a lot of record at the time of adoption of these regulations is of less area or width than minimally required by these regulations, the minimum lot width shall be fifty feet (50'), the minimum side yard shall be ten feet (10') and the minimum width of structure shall be thirty feet (30').
- c. The first 25 feet of the front setback shall be maintained as unobstructed open space and shall not be used for parking or product display or storage.
- d. Telecommunications towers are subject to the requirements of Section 5.16.0. Community facilities, when permitted, are subject to the requirements of Section 5.09.0.

Section 7.05.0. Mini-Warehouses

Where permitted, mini-warehouses shall comply with the following additional requirements:

1. Mini-warehouses are intended for the use of private individuals and companies principally for the inactive storage of goods and materials and are not to be used as a commercial base of operation for a profit- motivated company or individual.
2. There shall not be any sales, either wholesale or retail, on the premises.
3. When the mini-warehouse is located adjacent to a residentially zoned property, the owner/ developer of the mini-warehouse shall install an opaque screen of not less than six feet (6') in height on any lot line or alley right-of-way adjacent to said residentially zoned property.
4. The owner/developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering, and vehicular access to the warehouse bays, consistent with the requirements of section 11.03.0.
5. The owner of the mini-warehouse shall prohibit the storage of highly flammable or explosive liquids, solids, or gases in violation of any law, regulation or ordinance.

Section 7.06.0. Outdoor Storage and Waste Disposal

The following shall apply uniformly to all of the commercial zoning districts:

1. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above-ground. Tanks and drums that fuel directly connecting with heating devices or appliances located on the same premises as the tanks or drums of fuel are excluded from this provision.
2. All outdoor storage facilities of fuel, raw materials, and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent properties or streets.
3. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in enclosed containers.

Section 7.07.0. Limitations on External Effects and Uses

Every use, unless expressly exempted by these regulations, shall be so operated and maintained that it will not generate obnoxious amounts of sound, vibration, heat, glare, radiation, smoke, odors, or fumes.

ARTICLE VIII

INDUSTRIAL DISTRICTS

Section 8.01.0. Purpose

The industrial zoning districts are intended to provide for the development of light to heavy industrial uses and their related facilities. Appropriate standards for the various districts are designed to assure compatibility with other similar uses and to ameliorate any conflicts with non-industrial uses located in close proximity to the industrial use. The regulations hereby establish two industrial zoning districts.

Section 8.02.0. Purpose of Each District

8.02.01. Light Industrial (I-1)

As this industrial district is often located in proximity to residential districts, its principal purpose is to permit the operation of industries, trades, and services that can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts. Thus, it is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesaling, and service uses, conducted by operations which are primarily carried on within enclosed buildings having adequate land area for parking and landscaping and with adequate safeguards for safety and aesthetics.

8.02.02. General Industrial (I-2)

This district is composed primarily of industrial lands located away from the residential areas of the City. It allows for heavier or more intense industrial uses than permitted in the 1-2, Light Industrial zoning district. The requirements for the 1-2 District are the minimum required for mutual protection of the industrial users and for the safety and general welfare of the citizens of Blytheville and of surrounding districts.

Section 8.03.0. Permitted Uses

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

"□" means that the listed use is permitted by right in that district.

"CU" means that the listed use is permitted subject to approval as a conditional use as set forth below in Section 3.06.0.

"SP" means that the listed use is permitted subject to receipt of a Special Use Permit from the Enforcement Officer.

"X" means that the use is prohibited.

PERMITTED USES	I-1	I-2
A. Manufacturing		
Agricultural Products Processing	CU	□
Bulk Storage of Highly Flammable Materials	X	CU
Cabinet or Woodworking Shop	□	□
Clothing Manufacturing	□	□

PERMITTED USES	I-1	I-2
Contractor or Maintenance Yard	<input type="checkbox"/>	<input type="checkbox"/>
Foundry and Metal Works	X	<input type="checkbox"/>
Grain Elevator or Feed Mill	CU	<input type="checkbox"/>
Hauling and Storage Company	<input type="checkbox"/>	<input type="checkbox"/>
Industrial Cleaning Plant	<input type="checkbox"/>	<input type="checkbox"/>
Job Printing, Lithographer, Printing or Blueprinting Plant	<input type="checkbox"/>	<input type="checkbox"/>
Junk or Salvage Yard	CU	<input type="checkbox"/>
Laboratory Manufacturing	<input type="checkbox"/>	<input type="checkbox"/>
Light Fabrication and Assembly Process	<input type="checkbox"/>	<input type="checkbox"/>
Lumber Yard	<input type="checkbox"/>	<input type="checkbox"/>
Machine or Welding Shop	<input type="checkbox"/>	<input type="checkbox"/>
Motor Freight Terminal	<input type="checkbox"/>	<input type="checkbox"/>
Railroad Freight Terminal	X	<input type="checkbox"/>
Recycling and Reclamation	CU	<input type="checkbox"/>
Sand, Gravel or Earth Sales and Storage	<input type="checkbox"/>	<input type="checkbox"/>
Sanitary Landfill	CU	<input type="checkbox"/>
Stable, Commercial	CU	<input type="checkbox"/>
Stone, Sand or Gravel Extraction	X	CU
Tanning or Rendering of Animals	X	CU
Warehousing and Wholesaling	<input type="checkbox"/>	<input type="checkbox"/>
Wood Products Manufacturing	<input type="checkbox"/>	<input type="checkbox"/>

B. Commercial

Animal Pound or Kennel	<input type="checkbox"/>	<input type="checkbox"/>
Appliance Repair	<input type="checkbox"/>	<input type="checkbox"/>
Auto Auction	<input type="checkbox"/>	<input type="checkbox"/>
Auto Glass Muffler Shop	<input type="checkbox"/>	<input type="checkbox"/>
Automobile, Motorcycle Display, Sales and Service	<input type="checkbox"/>	<input type="checkbox"/>
Auto Parts and Accessories	<input type="checkbox"/>	<input type="checkbox"/>
Auto Paint or Body Rebuilding Shop	<input type="checkbox"/>	<input type="checkbox"/>
Auto Repair Garage	<input type="checkbox"/>	<input type="checkbox"/>
Automobile Wrecking and Junk Yards	<input type="checkbox"/>	<input type="checkbox"/>
Building Material Sales (Open)	<input type="checkbox"/>	<input type="checkbox"/>
Bus or Truck Storage or Garage	<input type="checkbox"/>	<input type="checkbox"/>
Bus Station or Terminal	<input type="checkbox"/>	<input type="checkbox"/>
Car Wash	<input type="checkbox"/>	<input type="checkbox"/>

PERMITTED USES	I-1	I-2
Communications, receiving, or transmitting facilities, including towers.	<input type="checkbox"/>	<input type="checkbox"/>
Furniture Repair Store	<input type="checkbox"/>	<input type="checkbox"/>
Home Center	<input type="checkbox"/>	<input type="checkbox"/>
Laboratory	<input type="checkbox"/>	<input type="checkbox"/>
Machinery Sales and Service	<input type="checkbox"/>	<input type="checkbox"/>
Mini-Warehouse	<input type="checkbox"/>	<input type="checkbox"/>
Office Warehouse	<input type="checkbox"/>	<input type="checkbox"/>
Parking (Commercial Lot or Garage)	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing, Electrical, Heating or Air Conditioning Shop	<input type="checkbox"/>	<input type="checkbox"/>
Racetrack	X	CU
Railroad Passenger Station	<input type="checkbox"/>	<input type="checkbox"/>
School, Business	<input type="checkbox"/>	<input type="checkbox"/>
School, Commercial, Trade or Craft	<input type="checkbox"/>	<input type="checkbox"/>
Service Station	<input type="checkbox"/>	<input type="checkbox"/>
Swimming Pool Sales and Supply	<input type="checkbox"/>	<input type="checkbox"/>
Taxidermist	<input type="checkbox"/>	<input type="checkbox"/>
Tool and Equipment Rental (Inside or Outside)	<input type="checkbox"/>	<input type="checkbox"/>
Truck or Tractor Sales or Repair	<input type="checkbox"/>	<input type="checkbox"/>
Upholstery Shop	<input type="checkbox"/>	<input type="checkbox"/>
Veterinary Clinic	<input type="checkbox"/>	<input type="checkbox"/>

C. Community Facilities and Public Utilities

Airport or Landing Field	CU	CU
Animal Hospital	CU	CU
Water/Sewage Treatment Plant	<input type="checkbox"/>	<input type="checkbox"/>

E. Other

Temporary structures for construction and/or sales operations	SP	SP
Other Industrial Uses not expressly provided for, unless otherwise prohibited by law	CU	CU
Non-conforming uses approved by the Board of Zoning Adjustment	SP	SP

Section 8.04.0. Lot, Yard and Height Requirements

No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following table. No building or structure shall be erected or enlarged that will cause the coverage or maximum height requirements to be exceeded for such district as set forth in this Article.

Lot Requirements	Zoning District	
	I-1	I-2
Minimum lot area (sq. ft.)	7,200	20,000

Lot Requirements	Zoning District	
	I-1	I-2
Minimum lot width at building line (feet)	60	100
Maximum lot coverage (percent)	75	50
Yard Requirements (in feet)		
Minimum Front Yard	30 ^a	50 ^a
Minimum Rear Yard	15	25
Minimum Side Yard		
Interior		
(a) When abutting property in residential district	25	25
(b) When abutting property in nonresidential district	5	5
Exterior	25	25
Height Requirements ^b		
Maximum number of feet	75	75
Maximum number of stories	6½	6½

Notes:

- a. All required yards shall be sodded and planted or maintained in a manner compatible with the character of the nearby residential district. Side yards shall not be utilized for storage, parking or for any other use except as unobstructed open space. Driveways providing ingress and egress for the lot are permitted across the required yards.
- b. Telecommunications towers are subject to the requirements of Section 5.16.0. Community facilities, when permitted, are subject to the requirements of Section 5.09.0.

Section 8.05.0. Performance Standards

Any industrial use established in the City of Blytheville after the effective date of these regulations shall conform to the performance standards as set forth hereunder:

8.5.1. *Physical appearance.*

The outdoor display of merchandise or vehicles of resale is prohibited except when in operable condition. The outdoor storage of merchandise, vehicles, equipments shall be suitably screened by a fence at least six feet (6') in height through which said materials, equipment, merchandise, and vehicles cannot be seen from the street.

8.05.02. *Flammable or explosive materials.*

- A. Any operation which involves the storage or use of highly flammable gases, acid, liquids, grinding processes or other inherent fire or explosive hazards shall provide evidence that such storage or use is in conformance with all relevant regulations and requirements of the State Fire Marshall and/or relevant federal regulations..
- B. All outdoor storage facilities for fuel, raw materials, and products used in the manufacturing process or stored as inventory shall be enclosed by a solid fence or wall adequate to conceal such facilities, fuel, raw materials and products from adjacent residential and business districts; provided, however, that such fence or wall need not exceed ten feet (10') in height.

8.5.2. *Noise.*

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. For the purposes of these regulations, the emission of any sound inherently and recurrently generated which exceeds seventy (70) decibels at any boundary line on the lot on which such sound is generated, is considered obnoxious. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be

objectionable due to intermittence, beat frequency or shrillness.

8.05.04. *Sewage and Liquid Waste.*

- A. No operation shall be carried on which involves the discharge into a sewer, water course or on the ground of liquid wastes of any nature, which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations, or polluting to any water course above that level of pollution certified as acceptable by the Arkansas Department of Pollution Control and Ecology.
- B. All materials or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

8.5.5. *Air Contaminants.*

All air contaminants, smoke and particulate emitted into the air by whatever means shall conform to the Arkansas Air Pollution Control Code, as amended.

8.5.6. *Odor.*

The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

8.5.7. *Gases.*

Gas concentrations in the air shall conform to the Arkansas Air Pollution Control Code, as amended.

8.5.8. *Vibration.*

All machines including punch presses and stamping machines shall be mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch measured at the lot line. The use of steam or broad hammers shall not be permitted.

8.5.9. *Glare and Heat.*

All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the lot line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than 5 degrees Fahrenheit.

ARTICLE IX

PLANNED DEVELOPMENT DISTRICT

Section 9.01.0. Purpose and Intent

A. It is the intent of this Article to:

1. Allow greater flexibility with respect to development standards and site planning considerations, resulting in superior development or redevelopment than would ordinarily be possible under the strict application of these regulations; and,
2. Provide more usable and suitably located open space, recreation areas, and other common facilities than would otherwise be required or possible under conventional land use regulation; and,
3. Encourage comprehensive and innovative planning and design of diversified yet harmonious developments; and,
4. Provide more efficient and economic arrangement of varied land uses and public facilities and services needed to support them; and,
5. Allow for mixed use development when such design contributes to the furtherance of public development goals and enhances the quality of surrounding land uses.

It is further the intent of this Article to assure that Planned Developments are not approved for the sole benefit of the applicant, but are used to establish developments that:

1. Are compatible with the surrounding area;
2. Are harmonious with the character of the neighborhood;
3. Do not have a negative effect upon the future development of the area; and,
4. Create a desirable and stable environment.

B. This district is to be utilized as a “floating zone” which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned development districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this Article, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

C. All further development on the property shall conform to the standards adopted for the site, regardless of any change in ownership. Any proposed changes to the approved standards shall be treated as amendments to the zoning regulations and must be considered in accordance with the procedures set forth at Section 3.05.

Section 9.02.0. General Conditions

An area may be considered for rezoning to a planned development district if any one of the following conditions exist:

- A. More than one land use is proposed for development on a single site; or,
- B. Separate land uses which would not otherwise be permitted to locate within the same zoning district are proposed for development on one site under single ownership; or,
- C. Exception or variation from the size, setback, frontage, density, uses or other standards which are required in the other conventional zoning districts are being proposed as part of a comprehensive development plan.

Section 9.03.0. Planned Development District Classifications

The following shall be classified as planned development districts subject to the provisions of this Article and to the special provisions for each district:

1. PRD: Planned residential development
2. POD: Planned office development
3. PCD: Planned commercial development
4. PID: Planned industrial development

9.03.01 Planned residential development (PRD).

A. Characteristics and Purpose.

A planned residential development may allow for more flexible placement, arrangement, orientation or residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features, and through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area.

B. Permitted Uses

1. Residential units of all types, provided that all residences are intended for permanent occupancy by their owners or tenants. This specifically excludes residences of a transient nature, such as hotels, motels, travel and mobile trailer parks, and mobile home parks.
2. Limited commercial uses may be included within the development, however they shall be only of convenience neighborhood retail nature intended to serve the needs of the residents of the development. Retail uses shall be specified as part of the proposal and limited to not more than five percent (5%) of the total site area; such uses shall be permitted only in planned residential development of five (5) acres or larger.
3. Parks, recreation facilities and open space.

C. Special Requirements.

1. There shall be not less than 750 square feet of unobstructed open space for every dwelling unit shown on the plot plan. The required open space may be concentrated in a portion of the site or may be spread throughout the site. Not more than one-half ($\frac{1}{2}$) of the required unobstructed open space may be devoted to the required off-street parking space.
2. No structure or use designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to construction of not less than fifty percent (50%) of the dwelling units proposed in the plan.
3. Any proposal shall preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.
4. Zero side yard setback on interior lots is universally allowed in developments of attached dwellings, although there may not be more than eight (8) attached dwellings in a single building.

9.03.02 Planned office development (POD).

A. Characteristics and Purpose

A planned office development should contain orderly, well-designed office and institutional uses upon a site that

results in minimum impact upon the surrounding areas. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-density office character protected from more intensive commercial and industrial development and protecting any nearby residential uses.

B. Permitted Uses

1. Offices (general and professional)
2. Public and institutional uses
3. Commercial or retail uses, or a combination thereof, where deemed appropriate, complimentary, ancillary, and consistent with the primary office character of the development.

C. Special Requirements

1. Developments that abut any residential district or property shall provide for a buffer and suitable screening of the development from said residential district or property. The nature and extent of screening shall be determined by the planning commission in relation to the overall character of the development and its specific location.
2. A minimum of ten percent (10%) of the site shall be designated as open space not used for streets or parking.
3. The development must abut a collector or arterial street. Ingress and egress from the development shall be designed in such a way as to be sensitive to traffic flows, congestion, and safety.

9.03.03 Planned commercial development (PCD).

A. Characteristics and Purpose

A planned commercial development is intended to accommodate multiple use developments which:

1. Encourage the clustering of commercial and office activities and to discourage the proliferation of commercial uses along major thoroughfares and non-commercial areas.
2. Provide for orderly development in order to minimize adverse impacts on surrounding areas and on the general flow of traffic.
3. Encourage orderly and systematic commercial, office or mixed use development design, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffer strips.
4. Accommodate larger scale developments of mixed uses in a harmonious relationship.

B. Permitted Uses

1. Commercial uses, wholesale, retail, or both;
2. Public and institutional uses;
3. Office (general and professional)

C. Special Requirements

1. Developments that abut any residential district or property shall provide for a buffer and suitable screening of the development from said residential district or property. The nature and extent of screening shall be determined by the planning commission in relation to the overall character of the development and its specific location.
2. A minimum of ten percent (10%) of the site shall be designated as open space not used for streets or parking.
3. The development must abut a collector or arterial street. Ingress and egress from the development shall be

designed in such a way as to be sensitive to traffic flows, congestion, and safety.

9.03.04 Planned industrial development (PID).

A. Characteristics and Purpose

The planned industrial development district is intended to accommodate industrial parks by allowing greater flexibility in the design and layout of such an industrial park than would otherwise be permitted by the single-use standards of an existing industrial zoning classification.

B. Permitted Uses

1. Industrial uses
2. Ancillary commercial and office uses compatible with the design and scale of the project.

C. Special Requirements

1. Developments that abut any residential district or property shall provide for a buffer and suitable screening of the development from said residential district or property. The nature and extent of screening shall be determined by the planning commission in relation to the overall character of the development and its specific location.
2. A minimum of ten percent (10%) of the site shall be designated as open space not used for streets or parking.
3. The development must abut a collector or arterial street. Ingress and egress from the development shall be designed in such a way as to be sensitive to traffic flows, congestion, and safety.

Section 9.04.0. General Requirements

All proposed planned development districts shall conform to the following requirements:

1. The site proposed for planned district development must contain an area of five (5) acres or more. A proposed site for less than five (5) acres may be requested if it abuts:
 - a. an existing planned development district of the same classification; or,
 - b. a non-residential zoning district.

In no case shall the minimum site size be less than one (1) acre or involve less than two (2) primary structures or uses.
2. The site must abut a public street for a distance of at least one hundred feet (100').
3. A suitable plan shall be prepared for the development and this plan shall include the following elements where applicable:
 - a. A plot plan drawn to scale by a registered engineer, architect or landscape architect showing:
 - (1) the exact dimensions of the site;
 - (2) platting and street systems, including proposed reservations or dedications for streets;
 - (3) proposed building sites;
 - (4) types of use proposed for buildings, and proposed height and size of buildings;
 - (5) plans for protection of abutting properties, including proposed screening and landscaping;
 - (6) means of ingress and egress;

- (7) access and circulation arrangements;
- (8) off-street parking and loading facilities;
- (9) proposed easements and public facility requirements;
- (10) proposed setbacks from property lines;
- (11) development schedule, including major improvement and construction milestones; and,
- (12) if requested, a contour map of the site.

b. The plan shall give the name of the developers and of the development, a north arrow and scale.

c. If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, drainage, utilities or other improvements, a proposed lot and street layout shall be submitted as part of the application. Any variation from the standards set forth in the subdivision regulations shall be listed and explained. If the plan is approved, a preliminary plat and final plat shall be submitted as provided by the subdivision regulations.

d. Existing land uses within 200 hundred feet (200') of the boundary of the development.

e. Such legal instruments as are appropriate or required by Section 9.05 herein, or by application of the Subdivision Regulations.

Section 9.05.0. Legal Instruments

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measures and similar common elements in a development. The City encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement districts, contracts and covenants. All legal instruments setting forth the plan or manner of permanent care and maintenance of such open space, recreational areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the planning commission as to the suitability for the proposed uses. The aforementioned legal instruments shall be provided to the planning commission together with the filing of the application.

Section 9.06.0. Phased Development

While this Article encourages submission of comprehensively planned development proposals, a preliminary plan need not cover the entire property to be ultimately developed. Applicants may choose to submit staged development plan, incorporating incremental plans for certain areas of the entire proposed development.

Section 9.07.0. Procedures

The following procedures for application, public hearing, submission, review Planning Commission and City Council action shall apply:

1. The owner/applicant/developer shall submit a written application to the City on such form or forms as may be required, including submission of the plan required at Section 9.04.
2. The owner/applicant/developer shall pay an application fee to the city in the amount of fifty dollars (\$50.00) at the time of the application, and none of this fee is returnable under any circumstances.
3. A notice of public hearing shall be published in the same manner as prescribed in Section 3.05.02(C.); and the Planning Commission shall conduct the public hearing to review the planned development district proposal.
4. The provisions of Section 3.05.02. with regard to written notification of surrounding property owners and the

placement of a sign in a conspicuous place on the site are applicable to planned development district proposals.

5. After conducting the public hearing, the Planning Commission may recommend approval or deny the planned design proposal.
 - a. If the Planning Commission recommends approval, it shall notify the City Council in writing, indicating the reasons and justification for such recommendation.
 - b. If the Planning Commission should deny the proposal, the owner/applicant/ developer's may appeal the Planning Commission's decision to the City Council, subject to the requirements and limitation of Section 3.05.02(B)(8).
6. The City Council, by majority vote, may:
 - a. adopt, by ordinance, the recommended amendment submitted by the Commission, in whole or in part; or,
 - b. return the proposed change to the Commission for further study and recommendation; or,
 - c. deny the recommended amendment.

The City Council may not consider any application that has been modified by the applicant not explicitly in conformance with formal Planning Commission approval.

ARTICLE X

DESIGN OVERLAY DISTRICTS

Section 10.01.0. Central Business District Sign Overlay District

10.01.01. Purpose

The purpose of this section is to promote the beautification and orderly development of the business area of the City of Blytheville, commonly referred to as the Central Business District, by:

1. Minimizing the visual clutter that is potentially harmful to community appearance;
2. Protecting the public from damage and injury caused by the distractions, hazards, and obstructions caused by signs;
3. Preserving the value of property by assuring the compatibility of signs with surrounding land uses.

10.01.02. Application.

All signs erected or displayed outside the walls of all buildings within an area in the City of Blytheville, Arkansas, described as beginning at the intersection of Fifth and Walnut Streets and running thence East on Walnut Street, including however all business establishments fronting on Walnut Street on both sides thereof, and extending East on Laclede Street, thence South on Laclede Street including all business establishments on both sides thereof, to the intersection of Laclede and Main Streets, thence East on Main Street including business establishments and buildings on both sides thereof, to the intersection with Walker Street, thence South on Walker Street to the alley between Main and Parkway, thence West along said alley to Holland Street, thence South on Holland Street including all business buildings and establishments on both sides thereof, to the intersection with Ash Street, thence West on Ash Street including all business buildings and establishments on both sides thereof to its intersection with Fifth Street, thence North on Fifth Street including all business buildings and establishments on both sides thereof to its intersection with Walnut, being the point of beginning, shall conform with the requirements of Sections 10.01.03. - 10.01.05.

10.01.03. Signs Permitted.

The following signs shall be permitted in the Central Business District Sign Overlay District:

1. Fabricated major identification sign of noncombustible material may be permitted on the front of a structure facing a public street, provided that the sign does not exceed 100 square feet in area or ten percent (10%) of the total first floor wall area facing the public street, whichever is lesser. The sign shall be placed parallel with the front of the building, no part of which shall protrude more than eighteen (18) inches from the wall to which it is attached.
2. One (1) secondary sign, not exceeding the size of the major identification sign as described in section 1. above shall be permitted at a rear or side entrance and shall comply with other applicable provisions of this section.
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 or right-of-way line. All highway right-of-ways 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.

10.01.04. Signs Prohibited

Within the Central Business District Sign Overlay District, all other type signs not defined in Section 10.01.03. above are prohibited. This prohibition shall include, but not limited to: signs located on a building roof or projecting above the

roofline of the building, signs painted on any wall of a building, signs using bare bulb type lighting, illuminated signs with intermittent lighting or flashing effects, rotating or revolving signs, billboards or banners of any type, sound devices, public address systems, and motion pictures as parts of signs, unless specifically approved by the Planning Commission.

10.01.05. Siting Standards.

1. Major identification signs shall be placed on not more than two (2) elevations of a building facing a public street.
2. Signs shall be restricted to identification of the name, type of business or operation, and of the person or establishment occupying the premises.
3. All allowable permanent signs exposed to public view shall be in good repair, shall be free of unsightly and hazardous conditions and shall be firmly anchored to the structure.
4. All signs, together with all their surface finish and lighting, supports, braces, guys, and anchors shall be kept in good repair and in a proper state of preservation.

10.01.06. Nonconformance

These regulations shall not retroactively prohibit signs which were lawfully erected or displayed prior to the enactment of these regulations. Such signs shall be considered as nonconforming uses, except that all nonconforming signs erected or so displayed shall not be renovated or repaired or the use thereof continued beyond the reasonable use thereof in such a manner as to interfere with the proper development of the City of Blytheville.

Section 10.02.0. Corridor Development Overlay District

10.02.01. Purpose

The purpose of establishing this district is to protect and enhance the visual appearance and character, as well as promote traffic safety on the major entrance corridors into the City. More particularly, the purpose of this district is to:

1. To allow land use patterns compatible with present and future traffic capacity for primary arterials leading into the City, and more specifically Arkansas Highway 18 and U.S. Highway 61.
2. To create a visually pleasing atmosphere along the major corridors leading into the City, especially as a means to promote a positive image of the City to visitors and residents alike.
3. To minimize the number of curb cuts along designated highways so that the roadways will function at an efficient level of service.
4. To facilitate transition of areas from less to more intense land uses along designated arterials without the undesired effects of small lot strip development.
5. To create standards for parking lot lighting which are in keeping with the intent of this Article.

10.2.2. District Boundaries

The district encompasses all land with Arkansas Highway 18 or U.S. Highway 61 frontage lying within three hundred feet (300') of each side of the right-of-way of:

1. Arkansas State Highway 18 from:
 - a. The intersection with the eastern corporate limits to the intersection of Ruddle Road; and,

- b. The intersection with the western corporate limits to the intersection of Division Street; and,
2. U.S. Highway 61 from the intersection with the:
 - a. southern corporate limits to the intersection of Main Street; and,
 - b. northern corporate limits to the intersection of Chickasawba Street.

10.02.03. Application of District Regulations

The regulations in this Article shall be in addition to and shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Therefore, all property within this overlay district will have requirements of both the underlying and overlay zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between this Article and other City of Blytheville ordinances, the overlay requirements shall control.

These regulations apply to all development, redevelopment or expansion of existing development in any commercial (B-1, B-2, B-3, or B-4) or industrial (I-1 or I-2) or planned development (PRD, POD, PCD, or PID) zoning district.

10.2.4. Site Design and Development Standards

All properties subject to the requirements of this Article shall comply with the following site design and development standards:

1. Setback from right-of-way. All principal and accessory nonresidential structures shall have a fifty foot (50') building setback from the highway right-of-way; yard setbacks along streets intersecting the arterial highway shall comply with the requirements of the underlying zoning district within which the property is located. Nonresidential uses may reduce the building setback to twenty-five feet (25') if parking is not located between the structure and highway right-of-way.
2. Green space. A minimum of twenty-five feet (25') of landscaped green space exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the green space and shall be screened when abutting a required green space area. Trees shall be planted at the interval of one tree per thirty linear feet (30') of green space area when practicable.
3. Parking lots. All parking lots for nonresidential development shall have one (1) tree per ten (10) parking spaces. Trees shall be placed uniformly within the parking lot or in islands within the lot providing a minimum of twenty-five (25) square feet of unpaved area per tree. Parking lots shall be set back a minimum of five feet (5') from any side property line.
4. Sidewalks. A sidewalk shall be constructed along the highway side of the property. This sidewalk shall be constructed in accordance with the standards and requirements of the federal Americans with Disabilities Act and all relevant state and local requirements. Where practical, the location of the sidewalk shall be located immediately within the highway right-of-way; where this is not possible, the sidewalk shall be located on the property, immediately adjacent to the right-of-way.
5. Landscaping treatment. Landscaping shall be required which is sufficient to provide soil stability and promote suitable drainage. Tree species planted within the overlay district should be consistent with other species present, preferably native. Trees shall be one-and-one-half inches (1½") DBH at planting with an expected height of sixty feet (60') or more at maturity. Species selection shall be at the discretion of the developer but if root or branching habits of plant material should be a nuisance (e.g., roots breaking through the sidewalk, messy fruit, etc.) plant materials shall be replaced at the owner's expense.
6. Curb cuts. One (1) curb cut shall be allowed per two hundred feet (200') of frontage. No curb cuts shall be allowed within one hundred feet (100') of any intersection.

7. Lighting. Lighting shall be shielded and directed downward to the parking lot and light spread shall not reflect into the adjacent neighborhood. Lighting shall not exceed thirty five feet (35') in height and shall utilize sodium lighting fixtures.
8. Screening. All mechanical and utility equipment, trash enclosures, and parking lots shall be screened in the following manner:
 - a. All mechanical and utility equipment on side of the building and/or on the ground shall be screened by fencing and/or vegetation if visible from the highway or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
 - b. Trash enclosures shall be screened on three (3) sides with the access not visible from the highway.
9. Building materials and appearance. 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.
10. Utilities. Above-ground utilities may be located at the rear property line. In the event it is not feasible to place utilities at the rear property line, utilities shall be placed underground.

10.02.05. Review Procedure.

All nonresidential development within the corridor overlay district shall be reviewed through the conditional use procedure (Section 3.06.), except that no public hearing or notification of nearby property owners shall be required if the proposed use is permitted by right in the underlying zoning district.

10.02.06 Multiple Building Sites.

In the case of nonresidential development multiple building sites, whether one or more platted lots, the requirements of this Article shall apply to development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this Article.

ARTICLE XI

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 11.01.0. Off-Street Parking and Requirements

11.01.01. Minimum Standards

In all districts there shall be provided at such time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces for vehicles in accordance with the following requirements:

1. Dwelling Two (2) parking spaces for each dwelling unit.
2. Boarding or Rooming House or Hotel or Motel One (1) parking space for each rentable sleeping room., plus one (1) parking space per each employee on the largest shift.
3. Medical or Dental Clinics Offices and Hospitals Four (4) spaces per doctor plus two (2) spaces for each three (3) employees or in clinics and offices. For hospitals there shall be one (1) space per bed and one (1) space per employee on duty at any given time.
4. Sanatoriums, Convalescent, or Nursing Homes One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space per employee on duty at any given time.
5. Community Center, Theater, Auditorium One (1) parking space for each four (4) seats based on maximum seating capacity.
6. Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
7. Retail Shops One (1) parking space for each one hundred fifty (150) square feet of floor area devoted to sales.
8. Office Building One (1) parking space for each three hundred (300) square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
9. Commercial Establishment Not Otherwise Classified One (1) parking space for each four hundred (400) square feet of floor space in the building.
10. Industrial Establishments Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or as a part of the primary operation of the establishment. Not fewer than one (1) parking space shall be provided for each four (4) employees present at any given time.
11. Church Sanctuary One (1) parking space for each four (4) seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.

12. All Others	For all other uses not covered in (1) through (11) above, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
----------------	--

11.01.02. Application of Standards

In applying the standards set forth above, the following shall apply:

1. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except in the case of church sanctuary as specified in section 11.01.01, paragraph 11. above.
2. Where a fractional space results, such fraction shall be counted as one (1) parking space.
3. These standards shall apply fully to all uses and buildings established after the effective date of these regulations.
4. Except for parcels of land devoted to single-family or duplex residences, all area devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
5. Where parking is to be provided in the front yard of a multiple-family dwelling, the first ten (10) feet adjacent to the street right-of-way line shall not be used for parking but rather shall be prepared and planted with grass, shrubs, trees, or ground cover.
6. All parking spaces required herein shall be located on the same lot with the building or use served, with the exception of churches, as specified in section 11.01.01, paragraph 11. above.
7. No signs of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent white lighting of signs shall be permitted.
8. The standards may be waived or modified by the Board of Adjustment, subject to the limitations and procedures specified at Section 14.03.03.

Section 11.02.0. Off-Street Loading and Unloading Requirements

The following requirements shall apply to off-street loading and unloading facilities:

1. A building whose principal use is handling and selling goods at retail shall provide one (1) off-street loading and unloading space for buildings up to and including ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional ten thousand (10,000) square feet of gross floor area.
2. Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for buildings containing ten thousand (10,000) square feet of floor space, plus one (1) space for each forty thousand (40,000) square feet of floor area in excess of ten thousand (10,000) square feet of gross floor area.
3. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.

Section 11.03.0. Other Requirements

11.03.01. Paved Surface Required

The owner/ developer shall pave all portions of the site that are intended to be used for drives, parking, maneuvering and vehicular access to warehouse bays; and all other areas shall be improved with grass, ground cover and/or landscaping.

The required pavement shall be either (a) four inches (4") of 2500 psi concrete pavement; or (b) four inches (4") of black base and two inches (2") of asphalt surface; or (c) in the case of existing graveled base, at least eight inches (8") of gravel and two inches (2") of asphalt surface.

11.03.02. Driveways

Driveways used for ingress and egress shall not exceed twenty-five (25) feet in width, exclusive of curb returns, except that the width may be increased to forty (40) feet in the B-3, 1-1 and I-2 zones.

11.03.03. Buffer

All interior sides of a parking lot abutting a residential use shall be enclosed with an opaque, ornamental fence or wall, having a height of not less than five feet (5') nor more than seven feet (7'). Such fence or wall shall be maintained in good condition.

11.03.04. Size

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine feet (9') by twenty feet (20') plus adequate area for ingress and egress.

ARTICLE XII

SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

Section 12.01.0. Purpose

The requirements established herein are designed to regulate sign structures in order to insure light, air and open space; to reduce hazards at intersections; to prevent accumulation of trash; to control and coordinate the type, placement and physical dimensions of signs within the various zoning classifications; and to protect property values of the entire community. The requirements for signs, billboards, and other advertising structures are described in this Article.

Section 12.02.0. General Provisions

- A. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Enforcement Officer in accordance with these regulations.
- B. Signs must be constructed of durable materials, maintained in good condition and not permitted to become dilapidated.
- C. Except as otherwise specifically provided, no sign shall be erected closer than fifteen feet (15') to any front, side or rear property line.
- D. A sign becomes obsolete which conveys advertising or identification to services or uses non-existent. Obsolete signs must be removed by property owner, developer or former lessee of property upon which sign is located within thirty (30) days after receipt of written notice from proper City officials.
- E. Illumination devices shall be so placed and so shielded that rays therefrom or from the sign itself will not be directly cast into any residential district, or sleeping room in any district, or in the eyes of a vehicular driver.
- F. The number of the sign permit shall be affixed to the sign, in such manner and format as the City may require. At the time a permit is issued, the City shall provide a decal or sticker for this purpose.

Section 12.03.0. Exemptions.

This article does not relate to building design, nor does it regulate the following:

1. Official traffic or governmental signs;
2. The copy and message of signs;
3. Window displays;
4. Product dispensers;
5. Scoreboards on athletic fields;
6. Flags of any nation, government, or non-commercial organization;
7. Gravestones;
8. Barber poles;
9. Religious symbols;
10. Commemorative plaques;
11. The display of street numbers;
12. Any display or construction not defined as a sign.

Section 12.04.0. Prohibited Signs.

1. *Signs imitating warning signals.* No sign shall display intermittent lights resembling the flashing lights customarily

used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol or character in a manner that might mislead or confuse a vehicular driver.

2. *Signs within street or highway right-of-way.* No sign whatsoever, whether temporary or permanent, except traffic signs and signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
3. *Roof signs.* Signs mounted on any roof or any sign not mounted on a vertical surface.
4. *Certain attached and painted signs.* Signs painted on or attached to trees, fence posts and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings.
5. *Rotating signs.*
6. *Fluttering ribbons and banners.* Ord. #1503, August 15, 2000) Fluttering ribbons and banners and similar devices are prohibited, except the flags of corporate industries, governments and their agencies. Temporary banners will be allowed promoting community events sponsored by nonprofit 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.
Exception: 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 to the 30 light poles on Main St., between First and Fifth Streets. Blytheville Main Street, Inc. will be responsible for maintenance and replacement of the banners.
7. *Portable signs.* Mobile signs, which can be transported from one location to another, either on or off site.

Section 12.05.0. Requirements Applying to Specified Signs

1. *Wall signs.* Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - a. *Signs on front surface of building.* The total area of signs on the exterior front surface of a building shall not exceed twenty-five percent (25%) of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.
 - b. *Signs on side and rear surface of building.* The total area of signs shall not exceed fifty percent (50%) of the exterior side or rear surface of the building respectively, so long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.
 - c. *Total sign area.* The combined sign area on the front, side and rear surface of a building must not exceed the total sign area permitted within the zoning district where the sign or signs are to be located.
 - d. *Projecting signs.* Wall signs attached flat against a wall may extend not more than twenty-four inches (24") from the wall. Signs attached at an angle to a wall may extend outward from the wall of a building not more than five feet (5') and may be located not closer than eighteen inches (18") to a vertical plane at the street curb line. In no case shall signs project beyond property lines.
2. *Signs on work under construction.* Non-illuminated signs not exceeding sixty-four (64) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and/or development agencies are permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed within thirty (30) days after completion of the project.
3. *Temporary subdivision signs.* Temporary signs not exceeding sixty-four (64) square feet in area announcing a land subdivision development are permitted on the premises of the land subdivision. They shall be set back not less than fifteen feet (15') from the right-of-way of any street or from any boundary line of the land subdivision. Such signs

shall be spaced not less than five hundred feet (500') apart within a single subdivision. They shall be removed when seventy-five percent (75%) of the lots are conveyed.

4. *Private directional signs.* Certain off-premises signs may be erected and maintained provided:
 - a. the size of any such sign is not in excess of six (6) square feet and not excess of four feet (4') in length; and,
 - b. not more than one (1) such sign is erected on each five hundred feet (500') of street frontage.

The signs permitted under these conditions are:

- a. Signs indicating directions to premises available for or in the process of development and having inscribed thereon the name of the owner, developer, builder or agent; and,
- b. Signs indicating directions to a church or other place of worship.

5. *Neon signs.* Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.
6. *Compliance with electrical codes.* All electrical signs or equipment and devices used in electrical signs shall bear the label of Underwriters Laboratories, Inc., or other recognized independent testing laboratory approved by the Enforcement Officer. All materials and methods used for installation shall comply with the current adopted electrical code.

Section 12.06.0. Permits.

Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section. Application for a permit for the erection, alteration or relocation of a sign, when allowed by this article, shall be made to the Enforcement Officer on such form or forms as may be required to provide the information necessary to administer the provisions of this article.

12.06.01. Signs for which permit is not required.

- A. A permit is not required for the following types of signs in any district:
 1. Traffic, directional, warning or information signs authorized by any public agency.
 2. Official notices issued by any court, public agency or officer.
 3. Church bulletin boards or one non-illuminated "for sale", "for rent" or "for lease" sign located not less than fifteen feet (15') back from the street right-of-way line, unless attached to the front wall of a building, and not exceeding:
 - a.) six (6) square feet in area in residential districts; or,
 - b.) twenty (20) square feet in other than residential districts.
 4. Permitted home occupation signs
- B. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or manual changeable copy signs.

12.06.02. Fees.

A. *Initial permit.* All new applications for permits filed with the Enforcement Officer shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule:

1. Off-premise signs:	Painted bulletin	\$500.00	
	Poster panel	\$300.00	
2. On-premise signs	Ground mounted, projecting, or wall	\$25.00	for the first \$3,000.00 in value of sign (materials and labor)
		\$4.00	per \$1,000.00, or part thereof, in value over \$3,000.00
	Special event	\$10.00	

B. *Alteration Permit.* Whenever a previously permitted sign is to be altered, relocated on site, or replaced, applications for permits filed with the Enforcement Officer shall be accompanied by a payment of an alteration fee, based on the cost of alteration as a percentage of replacement cost, for each sign according to the following schedule:

1. Ground mounted signs:	Up to 25%	\$ 10.00
	26% to 50%	\$ 20.00
	51% to 75%	\$ 30.00
	Over 75%	\$ 40.00
2. Projecting signs:	Up to 25%	\$ 15.00
	26% to 75%	\$ 25.00
	Over 75%	\$ 35.00
3. Wall signs (including mansard and marquee)	Up to 75%	\$ 20.00
	Over 75%	\$ 30.00

C. *Refund for Denial.* If a permit is denied, the permit fee will be refunded to the applicant.

D. *Penalty.* If any sign is installed or placed on any property prior to receipt of a permit, the specified permit shall be doubled. However, payment of the doubled fee shall not relieve the responsible party of any other requirements or penalties prescribed in this chapter.

12.06.03. Term of Permit.

A. Each permit shall be valid for the following terms:

1. On-premise signs: for a period of ten (10) years; and,
2. Off-premise signs: for a period of five (5) years.

B. All sign owners are required to renew their sign permits prior to the expiration date of the permit without further notice from the City. The renewal fee shall be the same amount as the initial permit fee, except that in the event the fee schedule is amended by ordinance, the revised fee shall be the amount to be paid. Any sign with an expired permit is considered abandoned. Such sign is illegal and shall be removed by the sign owner at his expense.

Section 12.07.0. Maintenance

A. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

B. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

C. The Enforcement Officer shall have the right under section 12.14.0. to order the repair or removal of any sign which is

defective, damaged, substantially deteriorated or presents a public hazard, as defined in the edition of the building code in force in the city.

Section 12.08.0. Billboards

12.08.01. Structures generally.

Billboard or outdoor advertising structures and other free-standing signs as defined in Article II may be permitted in Highway Commercial (B-3), Industrial (I-1 and I-2) districts or, within the limitations defined at section 12.08.0., Estate Residential (R-4) districts. No billboard shall be permitted to be erected without a permit from the Enforcement Officer.

12.8.2. Location, area and height.

All billboard structures erected so as to be visible from any public, state or federal road shall conform to the following standards, except for billboards located along divided four- lane state or federal highways which are limited or controlled access highways:

1. *Setback.* All structures shall be set back not less than fifteen feet (15') from any property or right-of-way line.
2. *Spacing.* No billboard structure shall be permitted within five hundred feet (500') of another billboard along the same side of the street or road, or within three hundred feet (300') of any residential district, public park, public building or religious building.
3. *Structure type.* Such structures may include back-to-back V-structures and double-faced structures, provided they are joined by a mutual or attached frame.
4. *Sign area and height.*
 - a. The maximum sign area permitted for each face of the structure shall not exceed 378 square feet. The maximum allowable sign area may be exceeded if approved by the Planning Commission, but under no condition can a sign face exceed 672 square feet or fourteen feet (14') high and forty-eight feet (48') wide.
 - b. All signs shall be a minimum of ten feet (10') above the adjacent street, as measured from the lower portion of the sign face, unless otherwise approved by the Planning Commission.
 - c. No sign shall exceed the height, as measured from either the level of the street or the ground surface, of:
 - (1.) thirty-five feet (35') in any Neighborhood Commercial (B-1), General Commercial (B-2) or Central Business District Commercial (B-4) district; or,
 - (2.) fifty feet (50') in any Highway Commercial (B-3) or Industrial (I-1 and I-2) district.

12.08.03. Criteria for Construction Approval

When reviewing a request for construction and siting of a billboard, the Planning Commission shall consider the extent to which the sign:

1. will create or excessively increase traffic congestion or traffic hazards;
2. adversely influences living conditions for the residents in the immediate area;
3. adversely affects property values in adjacent areas in accordance with their present zoning and use;
4. is a deterrent to the improvement or development of adjacent property in accordance with existing regulations;

5. would constitute a grant of special privilege to an individual as contrasted to the general welfare of the community;
6. is out of scale with the needs of the City as a whole or the immediate neighborhood; and,
7. is in an area where land use changes would justify granting the request.

12.08.04. Site Plan Required.

A site plan prepared by a registered land surveyor, architect, landscape architect, or engineer shall be submitted with the request. It should include a boundary survey of the parcel, the exact location of the proposed sign and any other information deemed appropriate by the Planning Commission.

12.08.05. Lighting.

No flashing advertising signs shall be permitted, and all billboard structures where lighted shall be indirectly illuminated.

12.08.06. Compliance with State and Federal Regulations.

All signs located along federal or state highways shall conform to all applicable federal and/or state regulations.

Section 12.09.0. Nonconforming signs.

- A. Any sign that was legally erected prior to, but does not subsequently conform to the provisions as a result of, adoption of these regulations will be allowed to remain and shall be considered as a nonconforming use, subject to the provisions of this article.
- B. A nonconforming sign shall lose this designation if the sign is altered in violation of this article. Such signs shall be deemed illegal and removed by the sign owner pursuant to section 12.14.0. of this article. This provision does not refer to change of copy or normal maintenance.
- C. The nonconforming sign is subject to all requirements of these regulations regarding safety, maintenance and repair. However, any nonconforming sign that is damaged to the extent that the cost for complete repair exceeds fifty percent (50%) of the replacement cost of the sign, such sign shall be removed by the owner. Replacement of any nonconforming sign shall be done only in accordance with the requirements of this article.

Section 12.10.0. Signs Permitted in All Districts

The following signs are permitted in all districts:

1. All signs not requiring a permit.
2. One (1) construction sign for each street frontage of a construction project, subject to the requirements of section 12.04.0.
3. One (1) non-illuminated real estate sign per lot or premises, not to exceed thirty-two (32) square feet in sign area.
4. One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area. Such nameplate shall indicate nothing other than the name and/or address of the occupants, premises, announcement of boarders, or roomers.

5. Political signs shall not be erected more than sixty (60) days prior to the election or referendum date, and must be removed within ten (10) days following the election.

Section 12.11.0. Signs Permitted in Residential Districts

The following signs may be permitted in all residential districts, all other signs being specifically prohibited:

1. All signs permitted in section 12.10.0.
2. For multi-family and group dwellings, identification signs not to exceed twelve (12) sq. ft. in area. Such sign shall indicate nothing other than the name and/or address of the premises and name of the management.
3. One (1) subdivision identification sign per neighborhood, subdivision or development, subject to the requirements of section 12.03.0
4. One (1) sign per street frontage, except that no advertisement for off-the-premises goods and services will be permitted.
5. For permitted non-residential uses, one (1) identification sign containing only the name of the use or institution may be permitted, but shall not exceed thirty-two (32) square feet of sign area. Such signs may be illuminated, subject to the requirements of section 12.02.0.; flashing signs are prohibited.
6. Temporary signs advertising garage or yard sales, provided that such signs shall be removed within twenty-four (24) hours after the end of the sale.
7. A sign identifying a home occupation may not exceed four (4) square feet solely to identify the business, occupation or profession, and such sign must be physically attached to the structure.
8. A billboard may be permitted within a Estate Residential District (R-4), provided it meets the following conditions:
 - a. The location of the billboard is within five hundred feet (500') of a state or federal highway or interstate; and,
 - b. Is no closer than five hundred feet (500') of the nearest platted residential development; and,
 - c. Complies with applicable state or federal regulations governing the location of billboards along highways; and,
 - d. Complies with the provisions of section 12.08.0.

Section 12.12.0. Signs Permitted in Commercial Districts

The following signs may be permitted in the various commercial use districts, all other signs being specifically prohibited:

12.12.01. Neighborhood Commercial (B-1) and General Commercial (B-2) Districts

1. All signs permitted in sections 12.10.0. through 12.11.0.
2. One (1) identification sign is permitted per principal business use; the size of this sign shall not exceed one (1) square foot for each one (1) linear foot of building facade fronting a public street. Such sign shall be mounted on the principal structure/building.

12.12.02. Highway Commercial District (B-3)

1. All signs permitted in sections 12.10.0. through 12.12.01.
2. Business identification signs, provided that the size of such identification signs shall not exceed two (2) square feet

of sign area for each one (1) linear foot of building facade, and subject to a maximum total sign area of all permitted signs for a facade or frontage of any establishment shall not exceed two hundred (200) square feet.

3. One advertising sign (as contrasted from identification signs) may be permitted, subject to the following:
 - a. The sign shall be limited to the advertisement of products or goods provided on-site. Signs that advertise products or goods unrelated to the use of the building or site on which the sign is located, or signs painted on the sides of buildings are prohibited.
 - b. The sign or signs shall comply with the provisions of section 12.04.0.
 - c. One (1) sign per site or building, attached or free-standing, not greater in area than one hundred (100) square feet and not to exceed thirty-five feet (35') in height.
4. Free-standing billboards, so long as the side and rear yard setback requirements of the district are met and the billboard complies with the requirements of section 12.08.0.

12.12.03. Central Business District (B-4)

[Reserved]

Section 12.13.0. Signs Permitted in Industrial Districts (I-1 and I-2)

- A. All signs permitted in sections 12.10.0. through 12.12.0.

Section 12.14.0. Violations.

- A. When, in the judgment of the Enforcement Officer, a violation of this article exists, the Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of this article of which the person may be in violation and shall state that the person has ten (10) days from the date of the order in which to abate the alleged violation or to appeal to the board of adjustment. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.
- B. If, upon inspection, the Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained in accordance with section 12.07.0., such sign or signs shall be deemed illegal and the Enforcement Officer shall issue a written order to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this article or removed within ten (10) days of the date of the order.
- C. Illegal signs are public nuisances. In the event of a failure to comply with the order of the Enforcement Officer, the City may institute legal proceedings including, without limitation, an action to abate the sign as a nuisance. Costs incurred by the City shall be charged to the owner of the sign and/or the owner of the property on which the sign is located. The costs may constitute a lien upon the property and may be collected by any appropriate lawful means.

ARTICLE XIII

NONCONFORMING STRUCTURES AND USES

Section 13.01.0. Nonconformities Generally

The purpose of this Section is to establish requirements, limitations, and exceptions for the continued existence of uses, lots and structures, established prior to annexation or the effective date of these regulations, which do not conform to the provisions of these regulations. Such nonconformities may continue, but the provisions of this Section are designed to curtail enlargement or expansion of such nonconformities and to encourage their eventual elimination in order to preserve the integrity of the districts and the requirements established by these regulations.

Any nonconforming use, structure, or use of structure which legally existed prior to the effective date of these regulations or any use, structure or use of structure which has been rendered nonconforming by the provisions of these regulations may continue to be utilized in the same fashion as existed prior to the adoption of these regulations in conformity with the following provisions.

Section 13.02.0. Nonconforming Use of Land

A lawful use of land that existed on the effective date of these regulations which was made nonconforming by the terms of these regulations may continue in such use so long as it remains otherwise lawful, subject to the following provisions:

1. Such nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied and so used on the effective date of adoption of these regulations. The same shall apply with regard to any amendment of these regulations which shall make the use nonconforming; it shall not be enlarged or increased nor extended to occupy a greater area of land than occupied on the effective date of such amendment.
2. If no structural alterations are made, a nonconforming use of the land may be changed to another nonconforming use of the same or more restrictive classification. In no such case, however, shall such use of the land be transferred to a more intensive nonconforming use. For example, a nonconforming commercial use shall not be changed to an industrial nonconforming use, nor a nonconforming residential to a nonconforming commercial - such a change would be more intensive.
3. When a nonconforming use has been discontinued or abandoned, and its appearance does not depict an on-going use; and, further, if said discontinuation or abandonment exists for a period of more than six (6) months, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located.

Section 13.03.0. Nonconforming Structure

Where a lawful structure exists on the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restriction on area, lot coverage, height, setbacks, or other characteristics of the structure or its location on the lot, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

1. Upon approval of the Board of Adjustment, such structure may be remodeled or repaired to maintain the premises in a safe and usable condition.
2. In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage or destruction, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located. When such damage or destruction is less than fifty percent (50%) of the reasonable replacement value of the structure immediately prior to such damage, the structure may be repaired and reconstructed and used for the same

purposes as it was before the damage or destruction; provided that no such repair or reconstruction is commenced and completed within six (6) months of the date of such damage and destruction. If the damaged structure sits idle for six (6) months, it may not be restored; and the owner shall demolish it and clear the site.

3. No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the requirements of the zoning district in which such structure is located after being relocated.
4. A nonconforming structure upon the approval of the Board of Adjustment may be added to and/or enlarged if said addition or enlargement meets the area requirements of the zoning district in which the structure is located, provided said use of structure is then in conformance with these regulations.
5. A nonconforming residential structure, upon approval of the Board of Adjustment, may be added to and enlarged if such action does not create any further non-conforming effect or element.
6. A mobile home lawfully placed prior to annexation or adoption of these regulations shall be a nonconforming use. A nonconforming mobile home, when removed, shall not be returned or replaced by another mobile home, except that a mobile home may be replaced within a nonconforming mobile home park.

Section 13.04.0. Nonconforming Use of Structure

If a lawful use of a structure or of structure and premises in combination exists on the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of these regulations, said lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted in these regulations in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any of the site outside such building.
3. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district as the existing nonconforming use and that it is of not greater intensity.
4. Any nonconforming use, once changed to a conforming use, shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
5. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for a period of six (6) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the requirements of the district in which it is located.

ARTICLE XIV

BOARD OF ADJUSTMENT

Section 14.01.0. Creation and Appointment

A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established to consist of five (5) members, three (3) of whom shall be nominated by a majority vote of the Planning Commission and two (2) of whom shall be nominated by the Mayor and all shall be confirmed by the City Council. All members shall be appointed for terms of five (5) years each. A vacancy shall be filled for the unexpired term of any member whose term becomes vacant in the same manner as hereinabove described. On the effective date of these regulations, the members of the Board of Zoning Adjustment that were legally in office immediately prior to such date shall be constituted as members of the Board of Zoning Adjustment hereby created. (Ord. 1606, Nov. 22, 2005)

Section 14.02.0. Organization

14.02.01. Officers

A Chairman, a Vice Chairman and a Secretary shall be elected annually by the Board from among its membership. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings, shall decide all points of procedure, and, as necessary, shall administer oath and compel the attendance of witnesses. The Secretary shall maintain the official records of minutes and actions of the Board.

14.02.02. Rules and Meetings

The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations.

1. Meetings of the Board shall be held at such time and at such place within the City as the Board may designate and may meet at any time on call of the Chairman.
2. The Board shall keep minutes of its proceedings which shall contain as a minimum:
 - a. Time, date and place of meeting.
 - b. Names of members present.
 - c. Citation, by number and description, of appeal or application.
 - d. Pertinent facts of the case.
 - e. Names of persons appearing and their interest in the case.
 - f. Record of vote by name.
 - g. Authority for decision (cite ordinance or statute) and reason for conditions imposed.
3. The minutes of the meeting shall be filed by the Secretary of the Board in the office of the City Clerk and shall be public record.
4. The presence of three (3) members of the Board shall constitute a quorum. The concurring vote of three (3) Board members shall be necessary to reverse any order, requirement, decision or determination of the Enforcement Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the regulations, or to authorize a variance from the requirements of these regulations.
5. The Secretary of the Board shall notify by mail or in person each member of the Board of a scheduled or called meeting seven (7) days in advance of the meeting.
6. Any member of the Board who fails to be in attendance at two (2) consecutive scheduled meetings shall have his

appointment declared vacant; and a new member shall be selected as provided above in section 14.01.0. The Secretary shall promptly notify the Mayor of any such vacancy.

Section 14.03.0. Powers and Duties

The Board of Zoning Adjustment shall have all the powers and duties described by law and by these regulations, which are more particularly described as follows:

14.03.01. Administrative Review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Enforcement Officer in the enforcement of these regulations. The Board may affirm or reverse, in whole or in part, said decision of the Enforcement Officer.

14.03.02. Variances

A. The Board may authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship. A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless and until:

1. The applicant demonstrates that special conditions and circumstances exist which:
 - (a.) are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district such that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; and,
 - (b.) are not result from the actions of the applicant.
2. The Board finds that granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.

B. The existence of a nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.

C. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

D. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

F. Under no circumstances shall the Board grant a variance to allow a land use not permissible under the terms of these regulations in the district involved, or any land use expressly or by implication prohibited by the terms of these regulations in said district.

14.03.03. Special Exemptions

In addition to the powers and duties specified above, the Board shall also have the following powers and duties to hold public hearings and to decide the following special exceptions:

1. Permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of these regulations.
2. Interpret zoning district boundaries where uncertainty exists as to the boundaries of such districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
3. Vary the parking requirements by not more than fifty percent (50%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these regulations. In requesting such a waiver or exemption, the applicant shall provide a parking plan which specifies:
 - a. the expected number of employees, both on average and the maximum at any given time; and,
 - b. the expected number of customers likely to require parking, both on average and during periods of peak demand; and,
 - c. the manner in which the parking requirements of both employees and customers will be met.

In considering the merits of the request, the Board shall consider the impacts on adjacent and near-by businesses or uses, as well as traffic circulation and safety. The Board may waive or otherwise modify all requirements for any use within the Central Business District Zoning District (B-4) when it can be conclusively shown that the parking requirements for employees and customers can be adequately met.

4. Permit a change in use or occupancy of a nonconforming use, provided the use is within the same or more restricted (less intense) zoning classification as the original nonconforming use.

Section 14.04.0. Procedure for Appeals

14.04.01. Application

Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City affected by any decision of the Enforcement Officer. All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board within ten (10) days after the decision has been rendered by the Enforcement Officer and at least seven (7) days prior to the Board's next meeting.

14.04.02. Public Hearing and Notice

The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven days preceding the date of such hearing in a newspaper of general circulation in the City. The public notice shall give the particular location of the property on which the appeal is requested, as well as a brief statement of what the appeal consists. At a public hearing any party may appear in person, by agent, or by attorney.

14.04.03. Effect of Appeal

An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of 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 a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

14.04.04. Time Limit on Permits

No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than sixty (60) days unless such use is established or the erection or alteration is started within such period.

14.04.05. Fee

The fee for any appeal or application to the Board shall be Twenty-five Dollars (\$25.00), no part of which shall be refundable. The Secretary of the Board shall deposit with the City Clerk each month all fees collected during the preceding month.

14.04.06. Appeals from Board of Adjustment

Any decision of the Board of Zoning Adjustment shall be final, subject only to review by a court of competent jurisdiction.

ARTICLE XV

VALIDITY AND REPEAL

Section 15.01.0. Validity

These regulations and various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these regulations shall, not be affected thereby.

The City Council of the City of Blytheville hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

Section 15.02.0. Repeal

All ordinances or parts of ordinances in conflict with these regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these regulations full force and effect upon its adoption by ordinance of the City Council of the City of Blytheville, Arkansas.