

**ZONING**

**Chapter 18.20**

**AGRICULTURAL DISTRICT A-1**

**Sections:**

- |           |                   |
|-----------|-------------------|
| 18.20.010 | Permitted uses.   |
| 18.20.020 | Conditional uses. |

**18.20.010 Permitted uses**

Permitted uses in the A-1 district are:

- Single-family residence
- General farming
- Truck farming
- Animal raising
- Community facilities
- Public building
- Schools
- Churches
- Commercial recreation.

(Ord. 213 Sec. 701, 1969)

**18.20.020 Conditional uses**

Conditional uses in the A-1 district are:

- Public utilities.
- Day Care facility.

(Ord. 213 Sec. 702, 1969; Ord. 1045 Sec. 2, 1995)

**Chapter 18.22**

**AHOD AFFORDABLE OVERLAY DISTRICT FOR AFFORDABLE HOUSING**

**Sections:**

- |           |                                                                        |
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| 18.22.010 | Applicability and Definitions.                                         |
| 18.22.020 | Purpose and creation of an Affordable Housing Overlay District (AHOD). |
| 18.22.030 | Population and Development Density.                                    |
| 18.22.040 | Building and Construction Provisions.                                  |
| 18.22.050 | Conditional, Permissible, Prohibitive, and Restrictive Uses.           |
| 18.22.060 | Enforcement.                                                           |
| 18.22.070 | Penalties.                                                             |

**18.22.010 Applicability and Definitions**

A. Unless otherwise restricted by applicable regulations, ordinances, laws, or legislative action, the provisions of this Ordinance shall apply to the future development and use of all real property lying within areas of the City of Jacksonville which meet three or more of the following conditions:

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1. No prevalent pattern exists in the design or type of housing located within the specific area in question;
  2. No significant inconsistency exists in the monetary value of housing within the area;
  3. The number of available habitable houses in the specified area has/have deteriorated to the point that redevelopment of all or part of a neighborhood and/or specific area will best serve the health, safety and welfare of the citizens of Jacksonville;
  4. A significant portion of the houses in the specified area are/were deficient in original construction/current condition to the point that redevelopment will best serve the health, safety and welfare of the citizens of Jacksonville; and/or;
  5. There has been little to no development/investment in new housing within the specified area.
- B. Conditional Uses - All uses of property allowed upon review and approval by the Planning Commission/Board of Adjustment. Applications for conditional uses shall be made in accordance with the provisions of JMC §§ 18.04.160, and shall take into consideration the necessity of said conditional use, the length of time said conditional use will be necessary, and all other appropriate factors surrounding such a proposed use of said real property.
- Remains in Existence - In the event a structure is damaged, lost, or destroyed by controlled means, fire, natural disaster, or act(s) of GOD, the use of said property shall be deemed to have remained in existence when the principal purpose and use of said property is not altered by the modifications/reconstruction of said structure(s).

(Ord. 1110, 1998)

**18.22.020 Purpose and Creation of an Affordable Housing Overlay District (AHOD)**

The purpose of this Ordinance shall be to:

- a. enhance the development of affordable housing within the City of Jacksonville;
- b. create an Overlay District (OD) within the classifications and designations of zoning provisions within the Jacksonville Municipal Code;
- c. provide for the health, safety, and welfare of the citizens through enactment and enforcement of ordinances and regulations in compliance with Arkansas law and the Affordable Housing Overlay District (AHOD) study for the City of Jacksonville, Arkansas;
- d. address public concerns created by violations of the OD provisions; and,
- e. preserve and enhance economic value of the property within the OD.

(Ord. 1110, 1998)

**18.22.030 Population and Development Density**

Construction and/or development of residential housing in the affected areas of the AHOD shall provide for greater accessibility to single-family dwellings for members of the Jacksonville community through enhanced use of manufactured, modular, land pre-fabricated housing units for real property that lie(s) within the AHOD.

Future use of properties within the AHOD shall be reviewed for population density concerns to insure the provisions of the Jacksonville Municipal Code and Planning Commission guidelines are addressed as they apply to use provisions as outlined herein. (Ord. 1110, 1998)

**18.22.040 Building and Construction Provisions**

Construction and/or rehabilitation of any housing facility shall comply with the provision, guidelines, and directives of the current edition of the Southern Building Code, the Jacksonville Municipal Code, and as outlined in the Jacksonville Planning Commission's regulations regarding construction and use of properties within the AHOD. (Ord. 1110, 1998)

**18.22.050 Conditional, Permissible, Prohibitive, and Restrictive Uses**

The following conditions, permissible uses, prohibitions, and restrictions shall apply to the future uses of any and all real properties encompassed by the Jacksonville City Limits:

- a. manufactured housing dwellings shall be multi-sectional;
- b. Modular housing units shall meet or exceed all existing provisions of the Jacksonville Municipal Code;
- c. All dwellings shall be orientated in a manner consistent with the majority of residential units on properties within the immediate area of the property in question;
- d. All roofs shall be sloped and similar to existing homes in the area;
- e. Manufactured housing dwellings shall be set up and anchored in accordance with the regulations set forth by the Arkansas Manufactured Home Commission;
- f. All housing units shall have a continuous masonry foundation underpinning approved by Jacksonville Code Enforcement personnel.
- e. The manufactured or modular home shall be the principal structure on the property in question;
- h. Each dwelling unit that lies within the AHOD shall have a paved parking area/driveway capable of storing a minimum of two (2) vehicles when possible, with a minimum of Twenty feet (20') width by Forty feet (40') length.
- i. The Jacksonville Planning Commission is empowered to promulgate and publish regulations and guidelines to enhance and further explain the provision of this

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Ordinance. Upon doing so, a copy of said regulations shall be maintained for the public's benefit in the Jacksonville City Clerk's Office, City Engineer's Office, and/or the Code Enforcement Office. (Ord. 1110, 1998)

**18.22.060 Enforcement**

The provisions of the terms of this Ordinance shall be enforced by Jacksonville Code Enforcement official(s). Enforcement shall follow the outline and scope of Code Enforcement official(s) under the provisions of this Code and State law, with all citations issued under the provisions of this Ordinance addressed in the Jacksonville Municipal Court. (Ord. 1110, 1998)

**18.22.070 Penalties**

In the event a property owner(s) agent(s), or lessee(s) pleads or is found guilty/nolle contendere of a violation of the terms of this Ordinance, the violator shall be assessed a fine of no less than Twenty-five Dollars (\$25.00) and court cost for a first offense, no less than Fifty Dollars (\$50.00) and court cost for a second offense, and no less than One Hundred Dollars (\$100.00) and court cost for a third or subsequent offense(s). Each day a condition prohibited by the terms of this Ordinance. (Ord. 1110, 1998)

**Chapter 18.23****MIXED USE OVERLAY DISTRICT****Sections:**

18.23.010	<b>Applicability and Definitions.</b>
18.23.020	<b>Purpose.</b>
18.23.030	<b>Population and Development Density.</b>
18.23.040	<b>Building and Construction Provisions.</b>
18.23.050	<b>Conditional, Permissible, Prohibitive.</b>
18.23.060	<b>Enforcement and Penalties.</b>

**18.23.010 Applicability and Definitions**

Unless otherwise restricted by applicable laws, legislative action, ordinances, or regulations, the provisions of this Ordinance shall apply to future development and use of all real property lying within the area designated and as more particularly described below:

Beginning at the SW corner of the intersection of the East Main Street right-of-way and the Oak Street right-of-way; thence northeast along the south right-of-way line of East Main Street to the northwest right-of-way line of Union Pacific Railroad; thence southwesterly along said right-of-way line to the centerline of

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Division Street; thence northwesterly along Division Street to the centerline of South Second Street; thence northeasterly along the centerline of South Second Street to the centerline of Mulberry Street; thence west along Mulberry Street to the center line of Warren Street; thence south along Warren Street to the centerline of Lenora Street; thence west along Lenora Street to the centerline of Dupree Drive; thence southeasterly along Dupree Drive to the centerline of Louise Street; thence west along the centerline of Louise Street to South James; thence continue west along the north line of the South  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of Section 30, T-3-N, R-10-W, 1466.85'; thence north 798.87'; thence east 490.88' to the west right-of-way line of Hospital Drive; thence north along said right-of-way line to the south line of West Main Street; thence west along the south line of West Main Street to the centerline of Crestview Drive; thence north along the centerline of Crestview Drive to the centerline of Vine Street; thence east along the centerline of Vine Street to the centerline of James Street; thence south along the centerline of James Street to the centerline of Poplar Street; thence east along the centerline of Poplar Street to the east right-of-way of State Highway 161; thence south along the east right-of-way to the centerline of Center Street; thence southeasterly along Center Street to the centerline of Graham Road; thence east along Graham Road to the southeast right-of-way of Elm Street; thence southwest along the southeast right-of-way of Elm Street to the southwest right-of-way of East Main Street; thence northwest along the southwest right-of-way of East Main Street to the southwest corner of Oak Street and East Main Street and the point of beginning.

(General Description: That real property along and within two (2) blocks north and south of Main Street from Sharp Street to Elm Street, Jacksonville, Arkansas) (Ord. 1224 Sec. 1, 2004)

**18.23.020 Purpose**

The Mixed Use Overlay District (MUOD) is hereby created for the purpose of:

- a) Enhancing the development of a revitalization of Main Street;
- b) Creation of an Overlay District applicable to the classifications and designations of zoning provision within this Code;
- c) Address public concerns created by violations of the MUOD; and,
- d) Enhance and preserve economic value and community development within the MUOD.

**18.23.030 Population and Development Density**

Construction and/or development of a mixture of residential housing and commercial areas within the Mixed Use Overlay District

shall provide a greater accessibility to affordable housing and

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closer proximity to business for those who desire and/or need such housing arrangements. It shall promote ownership of real estate opportunities for small business owners, who can now join business and housing costs within the same property to more efficiently use their assets, and will serve to enhance revitalization of the downtown area.

Future use of properties within the MUOD shall be reviewed for population and business density concerns to insure compliance with concerns and provisions of the Jacksonville Municipal Code, the Building Code, and Arkansas law.

**18.23.040 Building and Construction Provisions**

Construction and/or rehabilitation of any business or housing facility or structure shall comply with all applicable provisions, guidelines, and directives of the current edition of the International Building Code, Jacksonville Municipal Code, and the Planning Commission.

**18.23.050 Conditional, Permissible, Prohibitive, and Restrictive Uses**

The following conditions, permissible uses, prohibitions, and restrictions shall apply:

- a) Business locations will be primarily located on ground level of any structure, and residential properties will primarily be located above or between commercial establishments;
- b) All construction shall meet or exceed provisions of the Jacksonville Municipal Code;
- c) All residential properties shall be oriented in a manner consistent with the majority of residential and commercial properties within the immediate area;
- d) Parking shall be provided for residential properties in the following manner and ratio: One and one-half (1.5) parking spaces per residence; and,
- e) Parking shall be provided for commercial properties in the following manner and ratio: One (1) parking space for every Two Hundred Square Feet (200 SF) of office/retail space.

**18.23.060 Enforcement and Penalties**

a) Enforcement:

1) Terms and conditions of this Ordinance shall be enforced by Jacksonville Code Enforcement Office in a progressive manner. Notification of violations and/or non-compliance shall be in writing and provide the recipient with specific reference(s) to provisions violated. Continued and/or additional violation(s) should result in citation(s) issued to the responsible party(ies), to include but not be limited to the property owner, property manager, agent and/or tenant. Citations shall be presented to and adjudicated in the Jacksonville District Court.

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## b Penalties:

2) In the event a property owner, property manager, agent, and/or tenant pleads or is found guilty of a violation of the terms of this Ordinance, the violator(s) shall be assessed a fine of no less than Twenty-five Dollars (\$25.00) and no more than Five Hundred Dollars (\$500.00), together with applicable costs, for any such offense. Each day that conditions in violation of the terms of this Ordinance exist shall constitute a separate offense.

**Chapter 18.24****SINGLE-FAMILY RESIDENTIAL, DISTRICTS R-0 AND R-1****Sections:**

18.24.010	Purpose for establishment.
18.24.020	Permitted uses.
18.24.030	Conditional uses (R-1).
18.24.040	Dimensional requirements.
18.24.050	Parking requirements.
18.24.060	Signs.

**18.24.010 Purpose for establishment**

The R-0 and R-1 districts are established to permit the developing of single-family site built detached dwellings and certain community facilities in a suitable environment of low density development and to protect and maintain existing low density single-family development.

(Ord. 213 Art. VIII(part), 1969; Ord. 699 Sec. 4, 1983)

**18.24.020 Permitted uses**

The permitted uses in the R-0 and R-1 districts are: Single-family, site-built dwellings, including any business occupation conducted entirely within a dwelling and carried on by occupants thereof, which business and occupation is clearly incidental and secondary to the use of the dwelling for dwelling, nor is there any display; no stocking; trade; no outside storage of equipment; no commodities sold upon the premises and not more than two persons are engaged in such business or occupation following criteria is met: Schools/Institutions of an educational or philanthropic nature. Churches, religious organizations and religious training public parks and recreation facilities/Public utilities rights-of-way day care family homes\* - provided the following criteria is met and properly submitted to the City of Jacksonville by the applicant:

**ZONING****DISTRICTS R-0 AND R-1**

1. The applicant will submit with application for day care family home statements from all occupied real property owners either abutting or within 25 feet of the applicant's property that they have no objection to a day care family home. An exception to the above will be made when a collector street separates completely the real properties in issue. When a collector street so separates, no statement of objection will be necessary. By boundaries the City does not exclude easements. Easements will not exclude property from the above rules except: when a collector street or larger is involved. Likewise, the legal description on a deed will be conclusive on the part of the City unless rebutted by a reputable surveyor.
2. Along with the above mentioned statements of no objection the applicant must sign a disclaimer drafted by the City acknowledging that the applicant must submit the statement of no objection annually. The disclaimer will also say that failure to submit such statement of no objection annually will prevent the day care family center from continuing operation.
3. Applicant will also file a certified copy of the Bill of Assurance if their property is in a platted subdivision. This requirement shall also put the applicant on notice that the City will prosecute/or assume any requirements included in the Bill of Assurance of the applicant.
4. Further, applicant must file an application for a license with the State of Arkansas Department of Human Services in order to comply with the requirements of the Jacksonville Application. The regulation of the State of Arkansas Department of Health Service will be considered governing upon the City of Jacksonville.
5. Application for a Day Care family home should be made to the Jacksonville Code Enforcement Officer, with right of review by the Public Works Engineering Director. A further review will be allowed by application under applicable state law to the Jacksonville Board of Adjustment.

\*as defined by the State of Arkansas Department of Human Services.  
 (Ord. 666 Sec. 1, 1982; Ord. 699 Sec. 5, 1983; Ord. 719 Sec. 1(part), 1983)

**18.24.030 Conditional uses**

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

**ZONING****DISTRICTS R-0 AND R-1**

- a. Churches and other religious institutions and their accessory buildings and uses;
- b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
- c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
- d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;
- e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to social country club or property owners' association operated for the mutual recreation of its members;
- f. Residential Care facilities;
- g. Bed and Breakfast house(s);
- h. Special Event(s) facilities; and,
- i. Day Care facilities.
- j. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 213 Sec. 802, 1969; Ord. 1111 Sec. 1-B, 1998; Ord. 1225 Sec. 1, 2004)

(R-1) Commercial Recreational Facilities only on real property parcels located adjacent to Dupree Park.

(Ord. 1045 Sec. 2, 1995)

**18.24.040 Dimensional requirements**

For dimensional requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 803, 1969; Ord. 1221 Sec. 1, 2004)

**18.24.050 Parking requirements**

For parking requirements for the R-0 and R-1 districts, see Chart No. 1, Chapter 18.68. (Ord. 213 Sec. 804, 1969)

**18.24.060 Signs**

For provisions regarding signs in the R-0 and R-1 districts, see Chapter 18.16. (Ord. 213 Sec. 805, 1969)

**Chapter 18.26****ONE-FAMILY DISTRICT R-1A****Sections:**

- 18.26.010 Purpose for establishment.
- 18.26.020 Permitted uses.
- 18.26.030 Conditional uses.
- 18.26.040 Dimensional requirements.
- 18.26.050 Parking requirements.
- 18.26.060 Signs.
- 18.26.070 Development requirements.

**18.26.010 Purpose for establishment**

The R-1A district will provide for higher density development than R-0 and R-1 districts, yet retaining single-family site built detached housing; thus, reducing land and development costs making single-family site built housing available for lower income and smaller families. (Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969; Ord. 699 Sec. 6, 1983)

**18.26.020 Permitted uses**

The permitted uses in the R-1A district are:  
Any use permitted in R-0 and R-1.  
Single-family sitebuilt dwellings,  
Churches, and Educational Facilities.  
(Ord. 1048 Sec. 1(part), 1995; Ord. 699 Sec. 6, 1983;  
Ord. 454 Sec. 2(part), 1977; Ord. 213 (part), 1969)

**18.26.030 Conditional uses**

The following uses may be permitted in this zone subject to the approval of a conditional use permit and all required showings and conditions thereof:

- a. Churches and other religious institutions and their accessory building and uses;
- b. Educational institutions, including but not limited to public and private elementary, middle, junior and/or senior high schools, colleges, and universities, as well as their accessory buildings and uses;
- c. Public utility buildings and facilities when necessary for serving the surrounding area, provided that no public business office, repair, or storage facility is maintained therein;
- d. Public or private recreational use facilities, including but not limited to, public parks, playgrounds, tennis courts, golf courses, driving ranges, community centers, fire stations, museums, libraries, and other similar uses;

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- e. Country club, golf course, swimming pool or other private recreational uses usually associated with or incidental to a social country club or property owners' association operated for the mutual recreation of its members;
- f. Residential Care facilities;
- g. Bed and Breakfast house(s);
- h. Special Event(s) facilities; and,
- i. Day Care facilities.
- j. Modular Home(s)
- k. Mixed Use development in accordance with the Mixed Use Overlay District

(Ord. 1111 Sec. 1-C, 1998; Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969; Ord. 1045 Sec. 2, 1995; Ord. 1048 Sec. 1(part), 1995; Ord. 1149 Sec. 3, 2001; Ord. 1225 Sec. 2, 2004)

**18.26.040 Dimensional requirements**

For dimensional requirements for the R-1A district, see Chart 1, Chapter 18.68

(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

**18.26.050 Parking requirements**

For parking requirements for the R-1A district, see Chart No. 1, Chapter 18.78.

(Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

**18.26.060 Signs**

Sign provisions are the same as allowed in the R-0 and R-1 districts. (Ord. 454 Sec. 2(part), 1977; Ord. 213(part), 1969)

**18.26.070 Development requirements**

The development requirements covering an R-1A district are as follows:

- A. There shall be forty feet of right-of-way required on local streets;
- B. Sewer easement paralleling street - ten feet (opposite side of water and gas easement);
- C. Electric and telephone easements - rear of lots - five feet.
- D. Street surfaces shall be the same as provided for in the present subdivision ordinance;
- E. deleted (Ord. 1130, 2000)
- F. Maximum acreage to be developed is ten acres per zoning request.

(Ord. 454 Sec. 3, 1977; Ord. 213(part), 1969)

