

**ORDINANCE NUMBER No. 23- 30**

**AN ORDINANCE CREATING A DOWNTOWN OVERLAY DISTRICT, TO ALLOW RESIDENCIES IN THE DOWNTOWN COMMERCIAL DISTRICT AND DOWNTOWN HISTORIC DISTRICT AREA, TO CREATE THE DOWNTOWN COMMERCIAL DISTRICT AND DOWNTOWN HISTORIC DISTRICT DESIGN REVIEW BOARD OF THE CITY OF PARAGOULD, ARKANSAS AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARAGOULD, ARKANSAS AS FOLLOWS:**

1. That a Downtown Architectural District is hereby created.
2. **Boundaries:** The boundaries of said Downtown Architectural District shall be as follows: Beginning at the corner of south 3<sup>rd</sup> Street and West Garland Street going to the intersection of south 3<sup>rd</sup> Street and West Main Street. From this point on West Main Street going west to south 4<sup>th</sup> Street. On south 4<sup>th</sup> Street going north to the intersection of south 4<sup>th</sup> Street and West Poplar Street. The district continues east on West Poplar Street to North 3<sup>rd</sup> Street then going north to West Highland Street. Going one block east to North 2<sup>nd</sup> Street then the district goes north to West Hunt Street. From the intersection of North 2<sup>nd</sup> Street and West Hunt Street, the district goes east to the Railroad tracks and follows the line south until 3<sup>rd</sup> Avenue. The district then follows North 3<sup>rd</sup> Avenue south to East Main Street. At this point, the district line goes West along Main Street to the intersection of South 2<sup>nd</sup> Avenue. At this intersection, the district goes south on South 2<sup>nd</sup> Avenue to East Garland Street. From here, the district returns to the original starting point going West on Garland Street to the intersection of West Garland Street and South 3<sup>rd</sup> Street.
4. **Purpose and intent of the Downtown Architectural District:** The purpose and intent are to promote quality redevelopment of the general downtown while respecting the historical character of the downtown area. It is the intention of this ordinance to facilitate the redevelopment of said area which (1) encourages preservation of the district's unique character, (2) invites patrons from beyond the district's boundaries, (3) discourages uses and structures deemed harmful to the overall prosperity of the district's residents and businesses, and (4) seeks to accomplish the goals of the downtown district.
  - a. Building site area requirements:
    1. Building exterior plans must be approved by the District Design Review Board.
    2. Building height limit. No structure shall be erected or altered to exceed three stories in height.
  - b. Exterior design compatibility:
    1. Every reasonable effort shall be made to provide a compatible use for an existing building which requires minimal alteration of the building, structure, or site and its intended use.
    2. The removal or alteration of any historic material or distinctive architectural features should be avoided.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier or later appearance shall be discouraged.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
5. All buildings, structures, and sites shall keep original brick exteriors. If paint is permitted by the District Review Board, all paint colors shall return to the original building's paint color. Original, unpainted brick cannot be painted.
6. Deteriorated architectural features shall be repaired rather than replaced whenever possible. New materials used should match the material being replaced in composition, design, color, texture, and other visual qualities.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, scale, material, and character of the property, neighborhood, and environment.

c. New development or additions:

1. Any new or existing building or structure reconstructed, materially altered, or expanded shall be visually compatible with buildings, public ways, and places to which it is visually related in terms of the following characteristics:
  - a. The shape of its roof line; the bulk and arrangement of associated walls, fences, landscape masses, entryways, signs, awnings, porches, and balconies;
2. Signage to any existing business and its directional orientation must be approved by the Downtown District Review Board;
3. The addition of drive-throughs must be approved at the discretion of the District Review Board.
4. The Downtown District Review Board must approve all awnings and balconies.

d. Residential properties

1. Any property located in the Downtown Commercial District zoned commercial may also be used for residential purposes. Residences must be ancillary to commercial use and located on the upper floors of the building or in the rear of

the building. At all times any building, or any area zoned commercial, must be primarily used for commercial uses.

2. New construction must meet the requirements of the Arkansas Fire Prevention Code.

**e. Murals and public art:**

1. These items shall further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of pride; (3) preserving existing murals that are a valued part of the history of the City of Paragould.
2. A mural or public art shall remain in place, without alteration, for a minimum of two years.
3. No mural shall be placed over untouched or unmodified brick.
4. If installations are on private property, the property owner must give permission before authorization is given by the District Review Board. Any mural or public art installation shall receive approval from the District Review Board.

**f. Parklets**

1. Parklets are allowed in the historic district. All parklets shall adhere to Ordinance 2021-20.

5. The Mayor shall nominate the Downtown District Review Board members to which shall be approved by the City Council with said Board to serve as an entity to prepare the regulations set out hereinabove and any regulations, which shall be referred to herein below.

- a. Approval of proposal shall be through the issuance of Certificates of Authenticity prior to the issuance of any building permits within the District.
- b. The Downtown District Review Board shall be comprised of five (5) persons as follows: (1) two commercial property owners in the District; (2) a representative from Main Street Paragould; (3) two members chosen at large by the Mayor and approved by the City Council. The appointments to the District Review Board shall be arranged so that the term of at least one member will expire each year, and their successor shall be appointed in like manner for terms of three years. Members who are appointed to fill vacancies for an expired term shall join the Downtown District Review Board at the next meeting following their appointment of confirmation. Members may serve more than one term.
- c. Submittal of proposals: The developer or designer of exterior improvements to a structure in the District shall meet with the District Review Board prior to a request for building permit. No building permit shall be issued unless the District Review Board has approved the proposal. The District Review Board shall meet once quarterly or as necessary to provide reasonable response to proposals. A written record of the review and recommendation shall be forwarded to the Planning Commission, Board of Zoning Adjustment and the City Council.


- d. Authority of the District Review Board: The Downtown District Review Board shall function to resolve and coordinate details regarding architectural review and other design details relative to a development. Specific duties include: (a) providing District business and property owners guidance and adhering to the District Review Board regulations; (b) providing certificates of compliance for appropriateness with all building and sign permit applications within the District; (c) providing comments to the Planning Commission regarding site plan submittal; and (d) providing input regarding all applications within the District.
  - e. The Planning Commission is to continue to serve as the primary citizen body responsible for area planning recommendations and development review through the control of development/subdivision of land regulations. As such, the Planning Commission review is required with all proposed major developments, which may be interpreted as meaning the addition of any new primary structures, and with all lot splits and aggregations and with any plats associated with a right-of-way, abandonments, or dedications, or other developments that necessitate the filing of a revised legal description with Greene County.
  - f. Appeals from any decisions of the Downtown District Review Board shall be made to the City Planning Commission pursuant to City Code § 46-421. Any appeals from the decision of the City Planning Commission shall be made to the Paragould City Council within 30 days of the decision of the board pursuant to City Code § 46-461.
6. The City Building Inspector shall continue to function in the capacity in which they currently function regarding compliance with all City building ordinances, electric ordinances, plumbing ordinances, etc. It shall be the Building Inspector's duty to inspect all projects in the Overlay District just as he would inspect projects in any other area of the City.
- a. All property within the Overlay District shall have requirements of both underlying and overlay zoning districts in addition to any other provisions regulating development of land.
  - b. This ordinance shall apply to new developments, redevelopments, or expansion of existing developments. This ordinance also applies with other exterior improvements undertaken which may not require a building permit but affect the exterior visual elements of the structure and property governed by this ordinance.

PASSED AND APPROVED this 25th day of September, 2023.

CITY OF PARAGOULD, ARKANSAS

  
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Josh Agee, Mayor

Attest:

  
Andrea Williams, City Clerk