

ORDINANCE NO. 15-741

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CLARKSVILLE, ARKANSAS:

WHEREAS, the City Council of the City of Clarksville is desirous of amending and updating the City's Zoning Ordinance; and,

WHEREAS, said changes are necessary to promote the uniform zoning throughout the city; and

WHEREAS, a public hearing was held by the Clarksville Planning Commission on February 26, 2015, to take comments on a correction to the "Rogers Street Overlay District" and to approve a map of said district; and

WHEREAS, on February 26, 2015, the Planning Commission voted to recommend the City Council adopt these recommendations.

NOW, THEREFORE, be it ordained by the City Council of the City of Clarksville, Arkansas:

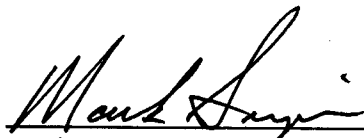
SECTION 1: The Zoning Ordinance of the City of Clarksville is hereby amended as follows:

See Attached Exhibit "A"

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

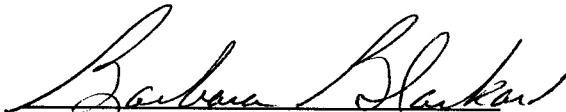
Passed this 9th day of March, 2015.

APPROVED:



Mark Simpson, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer

Exhibit "A"

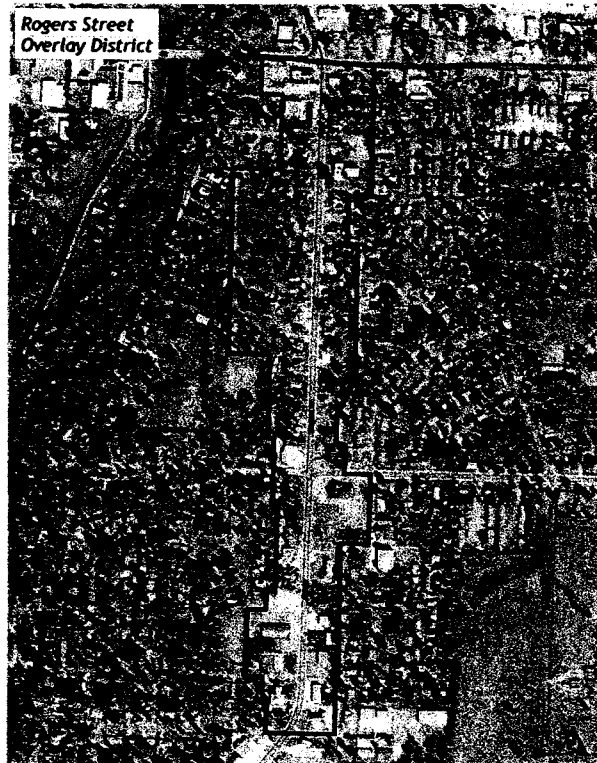
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Section 3.6 Rogers Street Overlay District: The following regulations apply within the Rogers Street Overlay District:

3.6.1 Purpose: The purpose of the Rogers Street Overlay District shall serve as follows:

- 1) To protect and enhance the area surrounding the Rogers Street gateway such that it will provide an attractive and pleasing entryway to the City of Clarksville.
- 2) To encourage development within the district that will create a distinctive city district and serve as a long-term asset for Clarksville and its residents.
- 3) To minimize the number of curb cuts along Rogers Street so that the roadway will function at an efficient level of service.
- 4) To promote utilization of property within the overlay district for its best and most appropriate use.
- 5) To create development standards and land use regulations that will allow for the compatible and appropriate transition of the area from residential to commercial uses.

3.6.2 Boundaries: The boundaries of the district are indicated on the Official Zoning Map for the City of Clarksville.



3.6.3 Application: These regulations shall apply to all properties falling within the boundaries described in Section 3.6.2. The regulations shall be in addition and shall overlay all other zoning, subdivision, and signage regulations. Therefore, properties falling within the boundaries of the overlay district shall be bound to all zoning, subdivision, and signage regulations in addition to being bound by regulations of the overlay district.

Where the requirements or standards of the overlay district conflict with other regulations, the requirements and standards of the overlay district shall control. Where at least twenty-five (25) percent of a property's area falls within the bounds of the overlay district, the requirements and standards of the overlay district shall apply to the entire property.

3.6.4 Site and Development Standards: The following regulations apply to development and redevelopment in the overlay district. Conformance to ALL of these standards shall be triggered by construction of a new building of more than ~~1,000~~ 500 square feet in gross floor area or an addition to an existing structure of greater than one-third (1/3) the structure's existing size.

Exterior building modifications with a cost greater than \$10,000 and requiring a building permit shall trigger the building façade requirements of item 3.

1) Prohibited Uses: The permitted uses of the underlying zoning district for a property shall constitute the permitted uses for a property, except that the following uses shall not be permitted in any zone within the overlay district:

<i>Manufactured Homes</i>
<i>Manufactured Homes Parks</i>
<i>Automotive & Truck Sales and Service (New and Used)</i>
<i>Automotive Body Shop</i>
Freestanding Vending Machines
Light Industry with Retail Sales
Mini-Storage
Repair Outlet with Outdoor Storage
Retail Establishments with Outside Display
Utility Staging Yard with Outdoor Storage
Warehousing
Wrecker Service
Wholesale Establishment
Junk or Salvage Yard
Any commercial structure of less than 500 square feet

2) Area Requirements: Minimum Front Yard: 15 ft.

3) Access: Access along Rogers Street shall be limited to preserve the function of the street according to the following standards:

A. To the greatest extent possible while allowing access for each property, all new access drives on Rogers Street shall be located at least fifty (50) feet apart, as measured from the nearest to nearest curb.

B. No new access drive on Rogers Street shall be permitted within thirty-five (35) feet of a street intersection, as measured from the nearest curb to the nearest curb.

C. Unless an already existing condition, only one (1) curb cut per street frontage shall be permitted for properties with two hundred (200) feet of street frontage or less per street frontage.

4) Building Facades: Buildings shall be designed such that the front façade shall face the frontage on which the property has primary access. Front and side building façades viewable from a public right-of-way shall be constructed of wood, masonry, rock, exterior insulations finish systems (EIFS), glass, pre-cast concrete, tile, stucco, Aluminum Composite Panels (ACP), or similar architectural material. Side building façades shall be allowed to meet this requirement by cladding the front fifteen (15) feet of the side façade or front 1/3, whichever is greater, with the approved materials listed above. Those unclad, rear portions of the side façade shall be screened with a vegetative buffer at least six (6) feet in height.

No front façade shall be allowed to be constructed of only corrugated metal. Use of other materials shall require approval of the Planning Commission. Sites with multiple buildings shall be required to have a unifying architectural theme and design.

5) Screening and Fencing: All mechanical and utility equipment as well as trash enclosures shall be screened by fencing and/or vegetation so that it shall not be visible from a roadway or adjacent property. No fencing shall be permitted on any property within the front yard or side yard facing a street frontage unless the fence is of a decorative design and see-through. Chain-link and barbed wire fences shall not be considered decorative.

Commercial properties adjacent to residential zoning *districts* and uses must meet additional buffering requirements. All interior sides and/or the rear of a C-2 or C-3 *lot* adjacent to a residential zoning *district or use* shall be *fenced* with an opaque ornamental *fence*, wall, or dense evergreen hedge between 5 and 7 feet tall at the time of planting, except as prohibited by visibility requirements in Section 5.7. The *fence*, wall, or hedge shall be kept in good condition and shall not extend beyond the front façade of the structure on the commercial property or the adjacent residential property.

6) Parking: All parking and vehicular use areas shall meet the following standards:

A. All new parking and vehicular use areas along a public or private roadway frontage shall be separated from the back edge of the sidewalk by a greenspace of at least five (5) feet.

B. All new parking and vehicular use areas shall be separated from all side and rear property lines with a greenspace of at least two (2) feet.

C. No parking area may be configured to allow the backing of vehicles into a public street.

D. The placement of parking in the rear or side yard is strongly encouraged.

7) Utilities: All above-ground utilities shall be placed along the rear property line or be placed underground.

8) Lighting: All parking and loading areas shall have lighting. Lighting equipment shall not exceed twenty (20) feet in height. Lighting equipment shall be located, aimed, and/or shielded to minimize light trespass across property boundaries.

9) Signage: Signage shall follow these standards:

A. No off-premise signage shall be allowed.

B. Freestanding Signs:

1. Maximum Sign Surface Area: Street frontage may only be counted from the street on which the sign will be placed.

a. Lots with less than 75 linear feet of public street frontage: 32 square feet.

b. Lots with more than 75 linear feet of public street frontage: 32 square feet plus 1 square foot, up to 100 square feet, for each 4 linear feet of public street frontage over 75 feet.

2. Only one freestanding sign shall be allowed per structure. The permitted freestanding sign shall be allowed to serve as a directory sign for any multi-tenant structure.

C. Wall Signs: Business identification, façade, window, and awning signs shall be considered wall signs.

1. Maximum Sign Surface Area and Number:

a. Single-Tenant Structure: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total area for all wall signs shall not exceed 10% of the total square footage of the wall on which the sign is placed or 100 square feet, whichever is

less. The maximum size for any wall sign shall be 100 square feet. These requirements shall apply independently to each building façade.

b. Multi-Tenant Structure: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total area for all wall signs shall not exceed 10% of the total square footage of the wall on which the signs are placed. The maximum size for any wall sign shall be 100 square feet. These requirements shall apply independently to each building façade.

10) Landscaping: A minimum of five (5) feet of landscaped green space shall be required on the property along and parallel to the right-of-way or easement of any public or private street on which the development has frontage. This shall apply to all street frontages. All landscaping shall conform to the standards below.

A. No parking areas shall encroach into the required landscaping area.

B. Landscaping shall consist of shrubs, trees, grasses, ground cover, mulch, or rock. No areas of open soil shall be permitted.

C. One (1) tree shall be required for each fifty (50) linear feet of roadway frontage. One (1) shrub shall be required for each ten (10) linear feet of roadway frontage.

D. Trees planted shall be at least six (6) feet in height with at least a two (2) inch caliper width at the time of planting.

E. The property owner shall be responsible for maintenance of the landscaping in an orderly and living condition, including pruning, weeding, watering, and replacement when plants die or become diseased. Should the installed landscaping die or become diseased, the property owner shall replace the diseased or dead landscaping.

10) Landscaping Planting List: The following trees, shrubs, grasses, and ground covers are recommended for planting. They are found to be well suited to the area and require little maintenance. This list contains the species which may be planted within a required landscaping area.

Medium Trees (40' H x 30' W)

1. Swamp Red Maple – *Acer rubrum*
2. Red Sunset Maple – *Acer rubrum*
3. River Birch - *Betula nigra*
4. Ginkgo (Male) - *Ginkgo biloba*
5. Pistachio – *Pistachia chinensis*
6. Bald Cypress - *Taxodium distichum*
7. Chinese Elm - *Ulmus parvifolia*
8. American Holly - *Ilex opaca*
9. Eastern Red Cedar - *Juniperus virginiana*
10. Sweet Bay Magnolia – *Magnolia virginiana*

Small Trees (20' H x 15' W)

1. Amur Maple - *Acer ginnala*
2. Trident Maple - *Acer buergerianum*
3. Redbud - *Cercis*
4. Dwarf Southern Catalpa - *Catalpa bignonioides*
5. Eastern Redbud - *Cercis canadensis*
6. Flowering Dogwood - *Cornus florida*
7. Parsley Hawthorn - *Crataegus marshallii*
8. Green Hawthorn - *Crataegus viridis*
9. Deciduous Holly - *Ilex decidua*
10. Crape Myrtle - *Lagerstroemia*
11. Saucer Magnolia - *Magnolia × soulangeana*
12. Camellia – *Camellia japonica*
13. Sasanqua Camellia - *Camellia sasanqua*
14. Foster Holly – *Ilex attenuate 'Fosterii'*
15. Burford Chinese Holly – *Ilex cornuta 'Burfordii'*
16. Canaert Red Cedar – *Juniperus virginiana 'Canaertii'*
17. Silver Red Cedar – *Juniperus virginiana 'Glauca'*

Shrubs

1. Forsythia - *Forsythia*
2. Evergreen Hollies - *Ilex species*
3. Nandina - *Nandian domestica*
4. Yew - *Taxus baccata*
5. Abelia - *Abelia grandiflora*
6. Boxwood - *Buxus sempervirens primary*
7. Dwarf Crape Myrtle - *Lagerstroemia indica nana*
8. Dwarf Purpleleaf Japanese Barberry - *Berberis thunbergii "Atropurpurea"*
9. Juniper species - *Juniperus species primary*

Ground Covers

1. Bugleweed – *Ajuga reptans*
2. English Ivy - *Hedera helix*
3. Bigleaf Periwinkle – *Vinca major*
4. Dwarf Periwinkle – *Vinca minor*
5. Leadwort - *Ceratostigma plumbaginoides*
6. Stonecrop - *Sedum rupestre 'Angelina'*
7. White Nancy - *Lamium maculatum*

Grasses

1. Mayer Z-52 Zoysia
2. Emerald Zoysia
3. Bermuda grass

4. Bermuda grass hybrids
5. Centipede
6. St. Augustine

3.6.5 Review Procedure: All development within the overlay district, except for the construction of a single-family home in a platted subdivision, shall be reviewed through the Large Scale Development procedure in Article 8 of the Clarksville Land Subdivision and Development Code. If the property proposed for development is part of a larger tract of land under the same ownership or is adjacent to land under the same ownership, the applicant shall submit a conceptual master plan for the entire tract or adjacent properties along with required submittals for the property under consideration.

1) All development applications shall be reviewed and approved by the Administrative Official. The Administrative Official shall have the authority to defer review and approval of any application to the planning commission where concerns regarding the hours of operation of a business, buffering/screening of adjacent property, or placement of required parking area may exist.

Any decision by the Administrative Official in reviewing a development application may be appealed by anyone to the Planning Commission. This provision shall supersede the normal appeal procedure in Article 11, Section 11.3.1.

2) In reviewing an application the planning commission may impose conditions on approval. These conditions shall be restricted to:

- A. Limiting the hours of operation of a business
- B. Requiring additional buffering/screening to protect adjacent property.
- C. Limiting placement of required parking areas.

3) The Administrative Official/Planning Commission shall not deny an application for development in the Rogers Street Overlay District except on a basis of findings supported by at least one of the following standards:

- A. The development application is incomplete or contains/reveals violations of this Code or other applicable regulations which the applicant has failed to supply or correct.
- B. The development application creates pedestrian or vehicle safety hazards on-site and/or off-site.
- C. The development application will create financial burdens to the City and its taxpayers.
- D. The development application will result in off-site improvements costs to the City for which there is no written agreement between the City and the developer on how those costs will be handled.

E. There are not adequate public/private utilities to handle the demand created by the proposed development.

F. The development application does not conform to the provisions of the Clarksville Comprehensive Plan or Clarksville Master Street Plan.