

ORDINANCE NO. 15- 750

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 June 25, 2015, to take comments on the addition of an R/O zone to the city's zoning code; and

WHEREAS, on June 25, 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Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 10th day of August, 2015.

APPROVED:



Mark Simpson, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer

ARTICLE 3. SPECIFIC DISTRICT REGULATIONS

Section 3.1 Residential Districts: The following regulations govern residential *districts*:

3.1.1 General Description: The residential zoning *districts* are designed to (1) protect the residential character of the *districts* by excluding commercial and industrial activities, (2) encourage healthy neighborhoods by allowing facilities as churches, schools and playgrounds, (3) permit certain community facilities and public utilities for the convenience and general welfare of the people, and (4) preserve *open space* by requiring minimum *yard setbacks* and *lot* sizes.

Six residential zoning *districts* are provided, including the following: R-1 Single-Family, R-2 Low Density Residential, R-2 (AH) Affordable Housing District, R-3 Medium Density Residential District, R-4 Manufactured Home District, and R-O Residential Office. A more specific description of each *district* is below.

1) *R-1 Single-Family Residential* - This is the most restrictive residential *district*. This *district* is primarily intended for *detached single-family dwellings*. It is also intended for related parks, places of worship, and schools that are needed for a healthy, attractive neighborhood. Adequate light, air, and *open space* are provided to promote neighborhood stability, appearance, and efficiency.

This *district* is intended only for uses needed to provide a strong neighborhood. The R-1 *district* should be buffered from commercial *districts* by other residential zoning *districts* such as R-2 or R-3. Where an arterial *street* suitable for commercial development is located within an R-1 zone, only frontage *lots* along the arterial *street* should be zoned commercial. In this case, other means of buffer protection shall be required.

2) *R-2 Low Density Residential District* - This zoning *district* is intended to be similar to the R-1 *district*, but allow more housing types and slightly higher population density. The *district* is primarily intended for *attached and detached single-family dwellings* along with larger *lot two-family dwellings*.

3) *R-2 (AH) Affordable Housing District* - This *district* is similar to the R-2 zone except that manufactured housing are permitted.

4) *R-3 Medium Density Residential District* - This is a residential *district* to provide for medium density *dwellings* and a wide variety of housing types. It is primarily intended for *single-family dwellings, two-family dwellings, townhouses, and multiple-family dwellings*. It is also intended for related parks, places of worship, and schools that are needed for a healthy, attractive neighborhood.

5) *R-4 Manufactured Home District* - This *district* is intended to provide for *manufactured homes* in a either a rental park or subdivision. R-4 *districts* should be located in way that does not negatively impact existing neighborhoods. It is also intended for related parks, places of worship, and schools that are needed for a healthy, attractive neighborhood.

6) *R-O Residential Office District* - This *district* is intended to provide a place for those types of offices, professional and service activities that provide for the regular needs or convenience of persons residing in the city. It is further intended to preserve the residential character of the *district* while allowing for the new construction of office structures and conversion of residential structures to office uses.

3.1.2 Uses Permitted: For permitted uses see the table below. Permitted uses must meet the following requirements:

- 1) Provide adequate off-street parking
- 2) Certain uses are allowed limited hours of operation, as noted below in the use table.
- 3) Provide an adequate subdivision site or *lot* for the type of *dwelling unit* or units.

Amended: Ord. 2014-732

USE TABLE	ZONING DISTRICT						SPECIAL PROVISIONS
	R-1	R-2	R-2(AH)	R-3	R-4	R-O	
P = Permitted Use NP = Prohibited Use SP = Special Use Permit (see Article 4)							
<i>Accessory Dwelling Unit</i>	SP	NP	NP	NP	NP	SP	5.20
<i>Bed and Breakfast</i>	NP	NP	NP	SP	NP	P	
<i>Personal Services (7 am – 8 pm)</i>	NP	NP	NP	NP	NP	P	
<i>Child Care Center - Private</i>	NP	NP	NP	NP	NP	NP	5.2.3
<i>Child Care Center – Public or Non-profit</i>	SP	SP	SP	SP	SP	SP	5.2.3
<i>Child Care Family Home</i>	SP	SP	NP	SP	NP	P	5.2.2
<i>Club or Lodge, Private</i>	NP	SP	SP	SP	NP	SP	
<i>Church or Place of Worship</i>	P	P	P	P	P	P	
<i>Community Building</i>	SP	SP	SP	SP	SP	P	
<i>Health Center, Institution for Aged or Children</i>	NP	SP	SP	SP	NP	P	
<i>Live/Work Unit</i>	NP	NP	NP	NP	NP	P	5.19
<i>Medical Retail Store (7 am – 8 pm)</i>	NP	NP	NP	NP	NP	SP	
<i>Nursing or Rest Home</i>	NP	NP	NP	SP	NP	P	
<i>Offices, Professional/Medical (7 am – 8 pm)</i>	NP	SP	SP	SP	NP	P	
<i>Park or Recreational Facility</i>	P	P	P	P	P	P	
<i>School, Public or Parochial</i>	SP	SP	SP	SP	SP	P	
<i>Field Crops, Gardens</i>	P	P	P	P	P	P	
<i>Accessory Uses as defined in Art. X that are accessory to the permitted uses in these districts</i>	P	P	P	P	P	P	

USE TABLE (continued)	ZONING DISTRICT						SPECIAL PROVISIONS
	R-1	R-2	R-2(AH)	R-3	R-4	R-O	
P = Permitted Use NP = Prohibited Use SP = Special Use Permit (see Article 4)							
Single-Family Detached Dwelling	P	P	P	P	NP	P	
Single-Family - Manufactured Home	NP	NP	P	P	P	NP	5.14
Single-Family - Zero Lot Line (1)	NP	SP	SP	P	NP	NP	
Single-Family Attached Dwelling	NP	P	P	P	NP	NP	
Two-Family Dwellings	NP	P	P	P	NP	P	
Multiple-Family Dwellings	NP	NP	NP	P	NP	NP	
Manufactured Home - Subdivision	NP	NP	NP	NP	P	NP	5.12
Manufactured Home - Parks	NP	NP	NP	NP	P	NP	5.13
Note (1) - Zero Lot Line developments are allowed only on lots of 20,000 sq. ft. or more.							

3.1.3 Units per lot: Only one main building per lot is allowed for all dwelling types except Multiple Family Dwellings. This includes attached and detached single-family dwellings, manufactured homes, modular homes, and two-family dwellings. This does not apply to manufactured home parks.

3.1.4 Lot, Yard and Height Regulations: No lot or yard can be created or reduced so that it does not meet the minimum area requirements shown in the following table. No building or structure shall be constructed or changed so that it will exceed the maximum building height requirements shown in the following table. Any use not specifically listed in the following table must meet the most restrictive area, yard, and building height requirements for its zoning district.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

Building Line: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Lot Width: The width of a lot measured at the front building setback line.

Setback: Distance between the lot line and the building line.

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 4 feet above the floor of each story.

Zoning District	Use	Area and Width Req. in Feet			Setback Requirements in Feet					Max. Height	
		Lot Area Sq. ft.	Lot Area per Family	Lot Width	Front	Side			Rear	Feet	Stories
						Interior	Exterior	Corner to Rear Yard			
R-1	S.F. Detached	7,500	7,500	70	25	7-1/2	25f	15	25	35	2-1/2
R-2, R-2 (AH)	S.F. Detached	6,000	6,000	60	25	6	25f	15	25	35	2-1/2
	S.F. Manufactured	6,000	6,000	60	25	6	25f	15	25	35	2-1/2
	S.F. Attached	6,000	6,000	60	25	10b	25f	15	25	35	2-1/2
	S.F. Zero Lot	4,000	4,000	40	25	10a	25f	15	25	35	2-1/2
	Two-Family	9,000	4,500	90	25	8	25f	15	25	35	2-1/2
R-3	S.F. Detached	6,000	6,000	70	20	5	20f	15	25	35	2-1/2
	S.F. Manufactured	6,000	6,000	70	20	5	20f	15	25	35	2-1/2
	S.F. Attached	6,000	6,000	70	20	7b	20f	15	25	35	2-1/2
	Two-Family	8,000	4,000	80	20	7	20f	15	25	35	2-1/2
	Townhouses	4,500c	4,500c	22d	20	7b	20f	15	25	35	2-1/2
	Multi-Family	10,000	2,500	70e	20	10	20f	15	25	35	2-1/2
R-4	M.H. - Subdivision	5 acres	5,000	45	20	10	20f	15	20	15	1
	M.H. - Park	2 acres	4,500	45	20	10	20f	15	20	15	1
R-O	S.F. Detached	7,500	7,500	70	25	10	25f	15	25	35	2-1/2
	Two-Family	9,000	4,500	90	25	10	25f	15	25	35	2-1/2
	Other Uses	20,000	N/A	100	25	25	25f	25	25	35	2-1/2

Notes:

- a) This applies to only one side of the *dwelling*. It allows for each *detached dwelling unit* to be "offset" on the *lot* to create a more useable *side yard*. Where a zero *lot* line use is adjacent to a different residential zone or use, a *side yard* of at least 8 feet is required adjacent to the other use or zone.
- b) For unattached sides only.
- c) This area includes both private and common area.
- d) When a *side yard* is required, the *lot width* shall be increased to include the minimum *lot width* plus the required *side yard*. This applies to unattached sides only.
- e) Minimum *lot width* shall be increased by 10 feet for each *dwelling* unit over four. The maximum required width is 200 ft.
- f) For *corner lots* the *side setback* next to a *street* is 15 feet from the *street* right of way line.

3.1.5 R-O District Requirements:

- 1) Building Facades: *Buildings* shall be designed such that the front *façade* shall face the frontage on which the property has primary access. At least fifteen (15) percent of the total square footage of the front *façade*, exclusive of roof areas, shall contain windows or doors. All *building façades* shall be constructed of wood, masonry, rock, exterior insulations finish systems (EIFS), glass, tile, stucco, or similar architectural material.

No front *façade* shall be allowed to be constructed of only corrugated metal. Use of other materials shall require approval of the Planning Commission.

2) Roof Form: All *buildings* shall be required to have a gabled roof with no less than a 6/12 roof pitch. Use of other roof forms and pitches shall require approval of the Planning Commission.

3) 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.

4) Parking: All parking and vehicular use areas shall be placed within the side or rear yard of the lot and shall be setback from all property lines by a greenspace of at least ten (10) feet.

5) Lighting: Lighting equipment shall not exceed twenty (20) feet in height. Lighting equipment shall be located, aimed, and shielded to minimize light trespass across property boundaries.

6) Landscaping: The area between the front *façade* of the *principal building* and front lot line/right-of-way line shall be required to be landscaped. Landscaping shall consist of shrubs, trees, grasses, ground cover, and/or mulch. No areas of open soil shall be permitted.

requirements from corners, and distance requirements between ingress and egress drives. Any such construction within the City shall meet or exceed the requirements set forth by said state standards.

- 1) Driveways used for residential ingress and egress may have a width equal to 36% of the street-side *lot width* used for the ingress but shall not exceed 36 feet in width, exclusive of curb returns. In the case of multiple frontage *lots*, the side used for the ingress shall be used as the basis for the calculation. Driveways used for commercial/industrial ingress and egress shall not exceed 40 feet in width, exclusive of curb returns.
- 2) On any new driveway, the construction shall include the removal of any curbs so that the driveway itself will be *street* level. Surface requirements as set out in Article VI, Section 3 shall apply.
- 3) Before construction of any new driveway, or relocation, or alterations in dimensions of any existing driveway connecting to a city *street*, the owner must apply for a driveway permit by completing application and paying the designated fee, in the office of the City Clerk. The City reserves the right to have access plans to be reviewed by the Planning Commission in cases where traffic flow and safety may be a concern.

Section 5.18 Sidewalks: Sidewalk requirements shall be addressed in all building permits. Construction standards shall be adopted by the City. Following are minimum requirements; the City may require additional sidewalks and wider sidewalks near commercial areas, schools and other places of public assembly.

- 1) Sidewalks shall be constructed on both sides of all *streets* in the Central Business District.
- 2) Sidewalks shall be required on both sides of collector *streets* and major arterials and minor arterials when new sidewalk will be constructed within 300 feet of existing sidewalks. Sidewalks shall be required on both sides of collector *streets* and major arterials and minor arterials when the entire area is a new development or part of a new commercial subdivision.
- 3) Sidewalks shall be constructed on both sides of all residential *streets*, abutting property lines. The sidewalks will be constructed in conjunction with the *building* and driveway improvements on each *lot*.
- 4) Sidewalks shall be in compliance with the Americans With Disabilities Act.
- 5) Questions or appeals concerning the construction of sidewalks must be addressed prior to the approval of a site plan and the issuance of a building permit.

Section 5.19 Live/Work Units: In addition to any Special Use Permit requirements (see Article 4), *Live/Work Units* shall also be subject to the following requirements and standards:

Live/Work Unit: A building used jointly for commercial and residential purposes where the residential use of the building is secondary or accessory to the primary use as a place of work.

- 1) Residential use of the *structure* and property shall be clearly secondary or *accessory* to the commercial use of the *structure*.
- 2) The residents of the *Live/Work Unit* shall be limited to one family unit that includes the owner or employee of the commercial use within the *structure*.

3) The commercial use of the property must be otherwise allowed in the zoning *district*, but shall not include *sexually oriented businesses* or warehousing.

4) The front *façade* of the *structure* must be maintained to appear commercial in nature.

5) The commercial portion of the *structure* must be contained at least in part on the first floor of the *structure* and be accessed from the front *façade* of the *building* facing the *street*.

6) The commercial and residential portions of the *building* shall be physically separated, with those portions of the *structure* accessible to the public occupied by commercial space.

7) In C-1 zones, the property shall be required to provide two off-street *parking spaces* for the *structure*. This parking requirement can also be met through an offsite parking agreement with a different property within 300 feet. In all other districts, off-street parking shall be provided to meet the requirements of the commercial use of the property.

8) The residential portions of the *structure* must have separate kitchen and sanitary facilities.

9) All portions of the *structure* must meet the requirements of the Arkansas State Fire Prevention Code.

Section 5.20 Accessory Dwelling Units: In addition to any Special Use Permit requirements (see Article 4), *Accessory Dwelling Units* shall also be subject to the following requirements and standards:

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Accessory Dwelling Unit: A smaller, secondary site-built *dwelling unit* on the same *lot* as an existing *single-family dwelling*. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary *dwelling unit*.

- 1) **Owner Occupancy:** The property owner must permanently occupy either the *Principal Building* or the *Accessory Dwelling Unit*.
- 2) **Maximum Occupancy:** Occupancy of the *Accessory Dwelling Unit* shall be limited to one family, with only one room provided for sleeping.
- 3) **Number Allowed:** Only one *Accessory Dwelling Unit* per *lot* shall be allowable.
- 4) **Size Limits:** The *Accessory Dwelling Unit* must be less than 40% of the size of *Principal Building* or 800 square feet in gross floor area, whichever is less. It must also be at least 400 square feet in gross floor area.
- 5) **Setbacks:** The unit shall meet all the required *setbacks* for the *Principal Building* of the zone in which it is located. The structure must be located at least 10 feet away from the *Principal Building*, and no more than 30 feet from the *Principal Building*.
- 6) **Location and Orientation:** The unit must be placed within the rear yard of the *lot*, behind the *Principal Building*. The front door of the unit must be oriented towards the principal building.
- 7) **Design:** The *façade* materials of the unit must match or complement the *façade* materials of the *Principal Building*.

7.18.7 Signs in the Agricultural District: Signs in the Agricultural District shall be limited to one sign not to exceed thirty-two (32) square feet announcing the name of the farm.

7.18.8 Signs in the Residential Office (R-O) District: Signs placed in the Residential Office *district* shall conform to the following regulations.

1) Residential Uses

A. One sign, not exceeding two square feet in area is permitted without a permit giving the name and/or address only of the land, or buildings on which displayed, or the name of the owner or lessee.

B. One sign, not exceeding two square feet in area is permitted without a permit when used for the purpose of advertising a Home Business. Such signs must be attached to the residential structure.

C. One additional nameplate sign, not to exceed two square feet in area, is allowed without permit for a dwelling group of four or more units to identify the building or as an occupant directory.

D. Temporary signs advertising a new subdivision of five or more lots are allowed by permit for up to one year. Such signs may not exceed 60 square feet in aggregate surface area, and can be no more than 15 feet in height, nor less than two feet above ground. Signs may advertise the development in which they are located only, and may be erected only at dedicated street entrances. If lots not sold in one year, the contractor may request additional time to display the sign.

2) Non-Residential Uses

A. General Requirements: Indirect or direct illumination is allowed. No sign shall contain animation or flashing/intermittent illumination.

B. Wall Signs

1. Number Allowed: One (1) on front façade.
2. Maximum Sign Surface Area: 32 square feet.

C. Freestanding Signs

1. Number Allowed: One (1) in front yard
2. Maximum Sign Surface Area: 32 square feet.
3. Height: Sign shall be ground-mounted and not exceed eight (8) feet in height.
4. Setback: Sign shall be setback at least ten (10) feet from the property line or projected edge of the public right-of-way on the Master Street Plan, whichever is greater.

Section 7.19 Billboards: The following regulations apply to billboards in the City of Clarksville.

7.19.1 Placement: Placement of billboards is not allowed anywhere within the city limits of Clarksville.