

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Regulations Adopted By Reference
- 14.08 Flood Damage Prevention
- 14.12 Annexing, Vacating and Rezoning Property

CHAPTER 14.04

ZONING REGULATIONS ADOPTED BY REFERENCE

Sections:

- 14.04.01 Zoning regulations adopted by reference
- 14.04.02 Three copies on file
- 14.04.03 Amendments

14.04.01 Zoning regulations adopted by reference The Zoning Regulations, consisting of twelve (12) Articles of narrative text and one (1) map titled “Official Land Use Map” prepared by the Clarksville Planning Commission and adopted after a public hearing held on October 28, 1997, be and hereby is adopted and approved in all respects as an instrument to guide and influence the allocation and arrangement of land uses, the development of land, and the future building within the corporate limits of the city of Clarksville. (Ord. No. 98-381, Sec. 1.)

14.04.02 Three copies on file The City Clerk is directed to file one (1) copy of said Zoning Regulations with the minutes of the Clarksville City Council meeting and the City Clerk is directed to maintain not fewer than three (3) copies of said Zoning Regulations on file at all times and available for public review and inspection. (Ord. No. 98-381, Sec. 2.)

14.04.03 Amendments**Ord. No. 2006-541**

1.1 Article 13, Section 13.3.54 is changed to read **Modular Home:** A residential structure, constructed in a factory and transported to the city in one or more sections and which meets the Clarksville Building Code.

1.2 The following definition is added to **Article 13**, definitions: **Free-Standing Vending Machine:** A coin operated machine that dispenses merchandise intended as a stand-alone business to be accessed by automobile.

1.3 Article 8, Section 8.4(4) Change the definition to: **Wireless Communications Facility:** A wireless communication facility is defined as any un-staffed facility covered by the Federal Telecommunications Act of 1996 for the transmission and/or reception of wireless telecommunication services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure, also known as an antennae or tower, to achieve the necessary elevation.

1.4 The following definition is added to **Article 13**, definitions: **Residential Drive:** That portion of the access component utilized as a vehicle entry point to a one or two family structure, existing upon the street right-of-way and in no case less than 10 feet from the edge of existing street surface.

1.5 Article 7, Section 7.1(1) is changed to read: 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.

1.6 Article 3, Section 3.1.2 is changed to read – Single-family modular homes are not permitted in the R-1 and R-2 districts. They are permitted through a special use permit in the R-2(AH), R-3 and R-4 districts.

1.7 Article 3.1.3 Remove the “Lot coverage” requirements.

1.8 Remove the R-0 District and all supporting regulations from the Zoning Code.

1.9 Remove **Article V, Section 6, #4** – It does not have a sign in excess of two ft. by two ft to denote the business, occupation or profession, and such sign must be attached to the residential structure. (This is covered in new section dealing with signs.) Add – Refer to Sign section for Residential Occupancy Sign requirements.

1.10 Remove **Article III, Section 2, #2 last line** – Business signs shall not exceed the height of the building. (This is covered in new section dealing with signs.)

1.11 Article 3.2 Commercial Permitted Uses is changed as follows: Mini-storages to be a permitted use in C-3 and I Districts and permitted through a Special Use Permit in the C-1 and C-2 Districts. Allow free-standing vending machine as a special use in the C-3 and Industrial Districts.

1.12 Article 5 All the following section: Section 198 Free-standing vending machines shall be installed as the principal structure on a lot and shall provide off-street access and parking so as not to block or impeded traffic on any public street.

1.13 Change **Child Care Regulations** as follows;

1) Change the term “Child Care Facility” to “Child Care Family Home” and define as follows: A situation, arrangement, or agreement by which one or more persons care for six or more children from more than one family but no more than 16 children in the caregiver’s own family residence or some other suitable family-type residence.

2) Add the term “Child Care Center” and define as follows: A commercial child care center conducted under private, for-profit auspices, providing direct care and protection for children.

3) Add the term “Child Care Center-Public or Non-Profit” and define as follows: A child care center conducted by a church school or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three (3) weeks at a time, specifically including church Bible Schools and day camps.

4) Allow “Child Care Family Home” as a Special Use in R-1, R-2 and R-3 districts.

5) Allow Child Care Center – Public or Non-Profit with one on-site dwelling unit as a Permitted Use in all commercial districts and as a Special Use in the R-1, R-2, R-3 and R-4 Districts.

6) Allow Child Care Center with one on-site dwelling unit in all commercial districts.

1.4 In Article 3, Section 3.1.3 Add the following sentence: For all uses except, “Multiple Family Dwelling” in the R-3 District, only one primary structure per lot is permitted in a residential district.

1.5 In Article 7, Section 7(1) Residential Driveway Width shall originate from the following equation but in no case shall any residential drive exceed 36' in width exclusive of radii: Building Lot Width x 36% = Maximum Allowable Width.

1.16 In Article 4: A Special Use Permit shall run with the land, however, any expansion of the original development authorized by Special Use Permit that exceeds 199 square feet or an estimated construction cost of \$10,000 shall require a new Special Use Permit.

**Amend a Portion of Ordinance 17-793
Correction of Scrivener's Error in Article 4 in the Use Table**

- a. The Use Table in Article 4 of the City of Clarksville's Zoning Code Book which erroneously left the word "pharmacy" listed as a use included with Clinic, Dental, Medical or Osteopathic, and Chiropracist, will be corrected to have the word "pharmacy" removed from this section.
- b. All other portions of Ordinance No. 17-793 will remain as approved.

1.17 Article 5: Add the following section: **Section 18:** Metal Carports: Metal Carports are considered permanent structures and must meet the provision of the Clarksville Building Code.

Section 5.1 Accessory Buildings Accessory buildings must meet the following standards:

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 this Code) located on the same lot as, the use of the main building or principal use of the land. An accessory use 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.

5.1.1 Permit Required: The placement of an accessory building shall require a building permit.

5.1.2 location: An accessory building may be placed in the rear or side yard as indicated below. It may not be placed in any public easement and must be at least 5 feet from all property lines. No accessory building may be placed within 10 feet of the main building or another accessory building.

Setback			
Front	Side	Side Exterior	Rear
Must be placed behind front edge of the main building, except in industrial zones <u>or residential lots where the lot is 1 acre or greater</u> in size.	5 ft.	Must be placed behind front edge of the main building, except in industrial zones <u>or residential lots where the lot is over 1 acre</u> or greater in size.	5 ft.

5.1.3 Size and Height:

(1) Limits

a) For lots less than 0.5 acres in size:

Size: The combined floor area (all floors shall be included in the calculation) of all accessory buildings on a lot shall not exceed 10% of the lot area, 50% of the area of the main building, whichever is least. Any accessory building(s) that exceed these requirements shall require a special permit for approval.

Height: Not to exceed 24 feet in height.

b) For lots 0.50 acres to 0.99 acres In size:

Size: No square footage size regulation beyond any standards within the applicable zoning category.

Height: Not to exceed 24 -feet in height.

c) For lots 1 acre and greater in size;

Size: No square footage size regulation beyond any standards within the applicable zoning category

Height No height regulation beyond any standards within one applicable zoning category.

Proposed Code Revision: Conceptual Draft Language

ARTICLE 6, OFF-STREET PARKING AND LOADING REQUIREMENTS

The provisions of this Article shall apply to any permit or approval granted through this Code. The requirement applies regardless of any pre-existing use, condition, or non-conformity.

Section 6.1 Off-Street Parking Requirements: Off-street parking must meet the following standards,

6.1.1 Standards: These parking standards apply in all zoning districts except the C-1, Central Business District. Whenever a building or development is built, made larger, or increased in capacity; the standards below must be met. Parking back out spaces, and fire truck access must also meet all requirements of Arkansas State Fire Prevention Code. Spaces shall be constructed on the property owner's property and out of the street right-of-way or any easements.

Use	Standards
	Required Spaces
Single-Family Dwelling	2 spaces (a)
Two-Family Dwelling	4 spaces (a)
Multi-Family Dwellings (3 or more units)	1.5 per dwelling unit
Medical/Dental Clinics or Offices	5 spaces per doctor + 2 spaces for each 3 employees
Hospitals	1 space per bed + 1 space per 2 employees (based on maximum employment of largest shift)
Nursing Homes	1 space for each 6 patients + 1 space for each staff/visiting doctor + 1 space for each 4 employees including nurses.
Community Center/Theater/Auditorium	1 space for each 3 seats, based on maximum seating capacity
Convention Hall/Lodge/Club/Library/Museum/Place of Amusement or Recreation	1 space for each 50 square feet of floor area used for assembly or recreation in the building
Office Building	1 space for each 200 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service area
Restaurants and Eating Places	1 space for each 4 seats of seating capacity + 1 space for each 2 employees working at a given shift.
Commercial Establishments (Not otherwise covered)	1 space for each 150 square feet of floor space in the building used for retail trade, or used by the public, whichever is greater
Industrial Establishments (Not otherwise covered)	Adequate area to park all employees' and customers' vehicles at all times + adequate space for loading, unloading and storing all vehicles used in connection with the establishment
Church Sanctuary/Place of Worship	1 space for each 3 seats, based on maximum seating capacity. (c)
Others (Not otherwise covered)	Determined by the Planning Commission (Determined standard shall apply to the future establishments of the same use)

- a. Required spaces shall be constructed and arranged to allow each space to have direct access to the street.
- b. Churches may establish joint parking facilities with public institutions that have different times of primary operation. The joint parking facility may satisfy up to 50 percent of the church's parking requirements and must be located within 400 feet of the church required hard surfacing (the estimated amount shall be

submitted to and approved by the City Engineer or City Building Official) for the span of 2 (two) years. The property owner/proprietor will have (24) twenty-four months from the initial date of the certificate of occupancy or official business registration with the City of Clarksville (whichever is applicable in which to complete the work.

1. The following items MUST be completed prior to occupancy and may NOT be bonded:
 - ADA compliant spaces and ADA compliant access to the building from the ADA parking spaces
 - Commercial Driveway Turnouts
 - Any improvements required by ARDOT
 - Any improvements required by the City for the site plan to achieve adherence to the Arkansas State Fire Code
 - Any required sidewalk improvements
- b. The City shall have the right to revisit the bonding amount every twelve (12) months over the course of the two-year period to determine if escalation for inflation and material costs will require the bond amount to be changed.
- c. If the required improvements are not completed within the allotted 24-month time-period, the City may utilize the bond to complete the hard-surfacing requirements as required by code.
- d. A change in ownership or proprietorship shall not revoke the requirement for the bond or the ability of the bond holder to (City) call the bond to complete improvements. Forfeiture by the business owner or proprietor in any way allows the City to call the bond and complete the improvements.
- e. Once improvements have been completed, the City Building Official must be contacted for a final inspection to assure the hard surfacing has been compliance. Upon compliance,
 1. Apply for a permit
 2. Complete all applicable established Building official inspections
 3. If approved, the Building Official shall then issue a certificate of Hard Surface Completion.

Commercial Driveways, used only by non-commercial vehicles, to access storage buildings by company personnel, and not used by the public in any way, shall meet commercial driveway turnout requirements listed below: Commercial Driveway Turnouts: The portion of the

drive between the edge of the street and the street right of way line shall be constructed with a minimum of 6 inch reinforced concrete on a stable compacted sub-base.

5.3.2 Residential Driveways: Residential driveways shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted base course or a four inch reinforced concrete surface over a stable compacted sub-base. The hard surface requirements of this section shall not apply to residential driveway sections in excess of 100 feet.

Residential Driveway Turnouts: the portion of the driveway between the edge of the street and the street right-of-way line shall be constructed with a minimum of four inch reinforced concrete or stable compacted sub-base. The requirement shall not apply to lengths in excess of the first 20 feet of drive.

Exhibit A to Ordinance No. 19-817

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 one side of all local streets, abutting property lines, when the new sidewalk will be constructed within 300 feet of existing sidewalks and is on the same side of the street. Sidewalks shall be required on both sides of local streets. abutting property lines. when the entire area is a new development or subdivision. 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 1: GENERAL

1.1 The regulation of signs and advertising structures by this code is designed to reduce hazards at intersections, prevent visual blight, ensure light, air and open space, and thereby protect property values of the entire community.

1.2 This ordinance is in addition to those established under U.S. Code by the Federal Highway Administration and the Arkansas State Highway and Transportation Department under Regulations for Control of Outdoor Advertising on Arkansas Highways.

1.3 No person shall erect, fasten, or attach in any way any sign or other advertising message upon any property within the city which is facing or visible from any public street unless legally authorized under the terms of this ordinance. These regulations shall apply to all signs and billboards in all districts, subdivision and zones within the city of Clarksville.

1.4 Signs for sexually oriented businesses are regulated by a separate ordinance.

1.5 Persons desiring signs not conforming to this ordinance may apply through the Special Use Permit process.

SECTION TWO: DEFINITIONS TO BE ADDED

2.0 Façade – The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

2.1 Height – of a sign means the vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

2.2 Sign – Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

2.3 Sign, Directory – A sign, usually of ladder construction, which lists the names of individuals or products available at a single site.

2.4 Sign, Off-Premise – A sign, whether leased or owned by the advertising entity, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, and which does not exceed 32 square feet in area.

2.5 Sign, Billboard – An off-premise sign exceeding 32 square feet in area.

2.6 Sign, Governmental or Public – A sign directing or informing of public or quasi-public institutions or locations (church, school, library, hospital, tourist attractions, civic or service clubs) or signs placed by any governmental body.

2.7 Sign, Illuminated – A sign designed to give forth any artificial light or reflect light from an artificial source.

2.8 Sign, Informational – An off-premise sign indicating the location of a business or institution, and not exceeding four square feet in area and not more than three feet in height.

2.9 Sign, Non-conforming – Any sign which is not permitted under the terms of this ordinance, within the district in which it is located.

2.10 Sign, Permanent – Signs permanently affixed shall mean anchored to the ground as stipulated in applicable codes as adopted by the city of Clarksville. For signs formerly utilized as portable signs, this anchoring shall, as a minimum, consist of no less than four concrete foundation pads no less than one square foot each in area and no less than eighteen inches at or below grade and with the sign securely bolted or affixed to the concrete.

2.11 Sign, Political – Temporary sign erected on private property within the city for the purpose of political campaigning regarding a designated election.

2.12 Sign, Portable – A commercially available, mass produced sign, purchased or leased, which is designed to be portable, typically 24 to 32 square feet, and mounted on wheels or legs of any type, whether or not attached to the ground surface or a building.

2.13 Sign, Projecting – A sign which projects from and is supported by a wall of a building, and does not extend beyond, into or over the street right-of-way.

2.14 Sign, Real Estate – A sign advertising a specific property for sale, rent or lease.

2.15 Sign, special Event – Temporary sign describing an event of public interest such as a fair, trade show, auction, etc.

2.16 Sign, Surface Area – The total surface area of a sign, including frame, but counting only one side of a back-to-back sign.

SECTION THREE: PERMITS, APPLICATION, AND APPLICABILITY

3.1 Permits No sign shall be erected, transferred, or structurally altered within the city unless a permit has been issued by the City Inspector. A separate permit shall be required for each sign. Electrification of an existing permitted sign shall require a revision to the permit as well as obtaining an electrical permit.

3.1.1 A permit is not required for change of advertising message on a permitted sign which is in conformity with the terms of this ordinance, and which does not cause a structural change.

3.1.2 An existing pole or other structure which has not displayed advertising material previously shall be considered a new sign if advertising material is to be added. A permit will be required and the sign shall meet all requirements of this ordinance.

3.1 Applications – Application for a sign permit shall be made on forms provided by City Inspector. Requirements will include but are not limited to location by street address, names and addresses of owner(s) and sign contractors(s), scale drawing of the sign, exact location on lot, and lighting and construction design.

3.2.1 Permit for any sign not erected within six months of date of issuance shall be void.

3.3. Fees – Fees shall be submitted, upon approval of the application, according to the fee schedule set by the Clarksville City Council and amended as necessary.

3.4 Inspections – All signs are subject to inspection by the City Inspector, who may revoke any permit or order any sign removed upon notice and for cause as set out in Article VI.

3.5 Exemptions

3.5.1 The following signs are exempt from any regulations of this code:

1. The message and content of signs
2. Window displays, or signs painted on windows
3. Product dispensers
4. Scoreboards and other signs acknowledging sponsors on athletic fields
5. Flags of any nations, government, or non-commercial organization
6. Gravestones or memorial markers
7. Barber poles
8. Religious symbols
9. Display of street address numbers
10. Any display or construction not defined as a sign
11. Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist
12. Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious observance
13. Utility Locations/Identification Signs

14. Awning signs
15. Banners, posters, of a temporary, special promotional nature.

3.5.2 The following signs do not require permits, but are subject to applicable restrictions in this ordinance, by reason of their type or location. The signs may be allowed in any zone, subject to the restrictions set out in Section 4.3:

1. Governmental or official public signs
2. Yard sale signs advertising sale of goods from residential property
3. Construction signs
4. Political signs
5. Real estate signs
6. Special occasion, public event, non-commercial notices

3.5.3 Prohibited Signs: The following signs are not allowed in any zoning district in the city.

1. Billboards (See Section Five)
2. Signs imitating warning signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in emergency 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.
3. Signs within right-of-way. No sign whatsoever, whether temporary or permanent, except erected by a governmental agency are permitted within any street or highway right-of-way.
4. Roof signs.
5. No signs may be painted on or attached to trees, rocks or other natural formations, fence posts, utility poles, or building roofs.
6. Rotating signs.

SECTION FOUR: PLACEMENT AND STANDARDS

4.1 Unless otherwise provided in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in the city:

4.1.1 No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.

4.1.2 On any corner lot no sign shall be erected in a manner to obstruct vision between a height of 2 ½ feet and 8 feet above the center line grades of the

intersecting streets, in the area bounded by the street lines of such corner lot, and a line joining points along said street lines 75 feet from the point of the intersection.

4.1.3 No sign shall be located:

1. within the designated safety zone of overhead electrical conductors as directed by the utility owner.
2. within 10 feet of a fire hydrant.
3. upon any utility easement.

4.1.4 The illumination of any sign on property which faces or adjoins a residential lot line shall be diffused or aligned to be indirect. Design shall be such that direct rays of light are prevented from shining into residential districts and/or any individual residences, regardless of zoning.

4.1.5 Flashing or intermittent lighting of a type used primarily to attract attention may not be used on signs in a C-1 or C-2 zone, or on any sign within 300 feet of a residential zone. This does not apply to the use of reflected natural or automobile lights, or to signs which automatically change message displays by change in lighting.

4.1.6 No vehicle or trailer with advertising message mounted or painted thereon may be parked continuously for more than 15 days, so that it becomes an advertising sign.

4.1.7 No sign shall be allowed to remain which:

1. continues in a state of structural or cosmetic disrepair for 30 calendar days after City Inspector gives due notice as provided herein, or
2. for 90 consecutive calendar days advertises or gives notice of a business, service, or other activity that is no longer in operation or being conducted or is otherwise obsolete, and is therefore deemed abandoned, as determined by the City Inspector.

4.1.8 Setback requirements: No sign shall be erected or maintained except in conformity with the following setback requirements:

Front Signs shall be set back a minimum of 10 feet from back of curb, edge of roadway surface, or street right-of-way, whichever is greater.

Side: All signs shall be setback a minimum of 10 feet from the nearest side property line.

Exceptions: The above setback requirements shall not apply to those signs mounted on building walls lawfully sited within the setback space, when such signs otherwise conform to the provisions of this ordinance.

4.2 Construction Standards All signs and sign structures permitted herein shall conform to the applicable building standards adopted by the city of Clarksville.

4.3 Specific Requirements by Sign Type The following apply to specific types of signs located in the city:

4.3.1 Portable Signs – Allowed by permit, with the following restrictions:

1. Portable signs may be placed in C-3 and all Industrial Districts with a 90 day non-renewable permit.
2. No flashing or intermittent lighting is allowed on portable signs.
3. Being considered temporary in use and design, construction standards referred to in Article 4.2 do not apply. However, placement of such signs is subject to the setback requirements, size restrictions, and all other regulations of this ordinance.
4. Permit will require safety inspection; inadequate anchoring or hazardous wiring will void permit.
5. Sign surface area may not exceed 32 square feet.

4.3.2 Information Signs may be placed with permit, in any zone except residential districts. Such signs are limited to four square feet surface areas and only one such sign per major thoroughfare.

4.3.3 Off-Premises Signs: Allowed by permit, with the following restrictions:

1. Off-premise signs may be erected in C-3 and all Industrial Districts.
2. Size is limited to less than 32 square feet.
3. Subject to all structural standards, setback requirements, and all other regulations of this ordinance.

4.3.4 Construction Signs: One unlighted sign identifying the engineer, architect, and/or contractor in the construction of specified building is allowed. Permit may be included as a part of the application for building permit, without additional fee. Sign shall not exceed 16 square feet of surface area, nor be more than 19 feet in height, and shall be removed within 30 days following issuance of certificate of occupancy.

4.3.5 Special Event Signs: May be placed without permit, with approval of City Inspector, for a duration of 21 days. Sign must be removed within 7 days after event.

4.3.6 Political Signs: Allowed without permit, in any zone. Signs over four square feet in surface area and/or over four feet in height are required to be set back at least 10 feet from the edge of street surface or right-of-way, whichever is greater. All such signs must be removed within 7 days following the designated election.

4.3.7 Real Estate Signs: Temporary signs may be placed on properties for lease or sale, without permit, subject to the following restriction:

1. Signs in Residential 1 Districts may not exceed six square feet and in all other Residential Districts may not exceed twelve square feet.
2. Commercial and Industrial District signs may not exceed 12 square feet except when the frontage width of the tract listed exceeds 100 feet the sign surface area may be increased by one square foot for each 10 feet additional width. Maximum surface area of all signs may not exceed 32 square feet.

4.4 Specific Requirements Within Zones Unless otherwise provided for in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in specified districts subdivisions, and zones within the city:

4.4.1 Signs permitted in Residential “R: Districts

1. 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.
2. One sign, not exceeding two square feet in area is permitted without a permit when used for the purpose of advertising a Home business. Sign must be attached to the residential structure.

3. One sign, not exceeding two square feet in area, is allowed without permit, for non-residential uses which may be allowed in the zone as a “Special Permitted Use” by the Zoning Commission. Such sign may display only the name of the institution and its activities. Sign may be illuminated but not be flashing lights.
4. Signs larger than two square feet but less than thirty-two (32) square feet may be permitted by special permit process for such non-residential uses as may have been approved by “Special Permit Use,” as above.
5. 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 buildings or as an occupant directory.
6. 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.
7. Subdivision Signs – One sign per subdivision entrance which identifies the subdivision is allowed by permit provided it does not exceed 32 square feet in surface area and meets all setback and corner visibility requirements. Signs may be approved with Subdivision Plans without additional cost.

4.4.2 Signs in Commercial “C-1” Districts:

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Signs mounted on the building walls are permitted on the basis of one sign not exceeding two square feet per each one linear foot of building façade. Each exposed building wall may have one such wall-mounted façade sign.
3. Projecting signs are allowed, one per exposed building wall. The lowest part must be a minimum of eight feet above surface grade of the sidewalk.
4. Free standing signs are permitted subject to the following:

- a) One sign per lot or commercial street frontage where adequate lot size permits sign to be located at least 15 feet from edge of curb, street surface, or right-of-way, whichever is greatest.
- b) Sign height shall not exceed 15 feet, and sign shall be constructed to provide at least 10 feet of visual clearance from bottom of sign to lot surface.
- c) Sign surface area shall not exceed 15 square feet.

5. Maximum aggregate surface area of all permitted signs for any establishment shall not exceed 200 square feet.

4.4.3 Signs in Commercial “C-1” Districts:

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. One façade sign is allowed per business. This sign shall not exceed one square foot for each one linear foot of building façade fronting a public street and is to be mounted on the building wall. For businesses on corner lots, side walls facing public streets may have one additional façade sign on the same basis as above.
3. One free-standing sign is allowed provided height does not exceed 20 feet or height of building whichever is less.
4. Total surface area of all permitted signs shall not exceed 100 square feet.

4.4.4. Signs in Commercial “C-3” Districts:

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Business identification signs are allowed, provided that the total sign area of such signs shall not exceed two square feet of sign area for each one linear foot of building façade fronting a public street.
3. One free-standing sign is allowed provided it does not exceed 35 feet in height above lot grade. Exception: signs with 150 feet of Interstate Highway right-of-way may not exceed 50 feet in height.

4. Maximum total sign area of all permitted signs for any establishment shall not exceed 200 square feet.

Coordinated Shopping Center

1. Each Coordinated Shopping Center may have one free-standing identification sign for each street frontage, announcing the name of the Center and the hours of business.
2. Additionally, each Center may have one directory sign, not exceeding 35 feet in height, identifying the names of tenants within the Center.
3. Individual tenants in the Center may each have business identification signs mounted on their façade; total sign area shall not exceed two square feet for each one linear foot of building façade fronting the public street or parking area.

Commercial cul-de-sacs – A commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac. Such sign shall not exceed 35 feet in height and shall be located in such a manner not to restrict the view of traffic entering or exiting the subdivision.

4.4.5 Signs in Industrial “I-1” or “I-2” Districts: In the I-1 and I-2 Districts, signs are permitted subject to the following regulations:

1. All those signs permitted in the Residential “R” or commercial “C” Districts are allowed in Industrial “I” Districts.
2. The total surface area of a business sign or signs on a building or lot shall not exceed 10 square feet for each linear foot up to 520 feet or lot frontage.
3. Sign structures shall be limited to not more than one per lot of 50 foot frontage or less, and one additional sign for each additional 50 feet of lot frontage. No off-premise sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district or residence.

4.4.6 Signs in Planned Unit Development, (PUD) Districts: All signs in the PUD Districts shall be submitted for review and approval as part of the PUD approval process.

4.4.7 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.

SECTION FIVE: BILLBOARDS

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

5.1.1 Any billboard legally existing prior to the adoption of these regulations may remain per A.C.A. 14-56-102. (see Section 6.7)

SECTION SIX: ADMINISTRATION AND ENFORCEMENT

6.1 Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or lessor upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance.

6.2 Upon finding of violation of any provisions of this ordinance, the City Inspector shall give written notice to landowner or responsible persons set out in 6.1 a description of the violation and the corrections required for compliance shall be set out therein. Upon failure to comply with thirty (30) days, citations for violation of this ordinance shall be issued.

6.3 Upon conviction, a fine shall be levied in the amount of Twenty-Five Dollars (\$25.00) for each offense. Each day that the landowner or responsible party allows the violation to continue will constitute a separate offense.

6.4 Portable signs shall be immediately subject to the provisions herein as to placement, set back and lighting requirements and shall be brought into compliance or removed within 30 days.

6.5 All non-conforming signs which are located within or encroach upon street or highway right-of-way or public easement must be removed within 30 days.

6.6 All other non-conforming signs shall be brought into compliance or eliminated by attrition. A non-conforming sign shall not be relocated, replaced, expanded, or changed except to bring the sign into complete conformity with this ordinance. However, upon a change or modification of ownership the advertising copy only may be revised.

6.7 Existing billboards lawfully permitted by the state or federal Highway Agencies shall be allowed to remain under the terms of the issuing agencies' agreement and permit for such

signs. If damaged to an extent beyond one-half of its current replacement cost, any non-conforming billboard shall not be replaced.

6.8 Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the City Inspector. This requirement supersedes all other setback and coverage regulations.

6.9 Upon adoption of these regulations, a certified copy shall be supplied to the appropriate federal and state agencies.

CHAPTER 14.08

FLOOD DAMAGE PREVENTION CODE

Sections:

- 14.08.01 Statutory Authority
- 14.08.02 Findings of Fact
- 14.08.03 Statement of Purpose
- 14.08.04 Lands to Which this Ordinance Applies
- 14.08.05 Methods of Reducing Flood Losses
- 14.08.06 Flood Damage Prevention Code
- 14.08.07 Abrogation and Greater Restrictions
- 14.08.08 Interpretation
- 14.08.09 Warning and Disclaimer of Liability
- 14.08.10 Compliance
- 14.08.11 Penalty for Non-Compliance

14.08.01 Statutory Authority The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City of Clarksville, Arkansas, does hereby ordain as follows: (Ord. No. 19-812, Sec. 1)

14.08.02 Findings of Fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Clarksville in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Clarksville," dated May 16, 2019, with an effective Flood Insurance Rate Map (FIRM) dated May 16, 2019.

- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 19-812, Sec. 2)

14.08.03 Statement of Purpose The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 19-812, Sec. 3)

14.08.04 Lands to Which this Ordinance Applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Clarksville. (Ord. No. 19-812, Sec. 4)

14.08.05 Methods of Reducing Flood Losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events.
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 19-812, Sec. 5)

14.08.06 Flood Damage Prevention Code There is hereby adopted by reference a "Flood Damage Prevention Code for Clarksville, Arkansas," dated May 16, 2019 The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Mayor and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 19-812, Sec. 6)

14.08.07 Abrogation and Greater Restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 19-812, Sec. 7)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes. (Ord. No. 19-812, Sec. 8)

14.08.09 Warning and Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 19-812, Sec. 9)

14.08.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 19-812, Sec. 10)

14.08.11 Penalty for Non-Compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to

- D. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

- (1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
- (2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 19-812, Sec. 11)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

- 14.12.01 Annexing
- 14.12.02 Vacating
- 14.12.03 Re-zoning

14.12.03 Re-zoning

Ord. No. 2001-434 From R-1 to C-2 Part of Lot 14, Evans Addition