

ORDINANCE NO. 19- 817 \_\_\_\_\_

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 uniform zoning throughout the City; and

WHEREAS, a public hearing was held by the Clarksville Planning Commission on April 25, 2019, to take comments on possible code amendments and the Planning Commission voted on April 25, 2019, to recommend the City Council adopt these changes.

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:

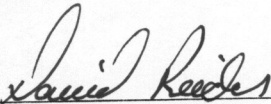
See Attached Exhibit "A"

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance being necessary for the public peace, health and safety of the citizens of Clarksville, Arkansas, an emergency is declared and this Ordinance shall become effective immediately upon its passage and approval.


Passed this 10 day of June, 2019.

APPROVED:



\_\_\_\_\_  
David Rieder, Mayor

ATTEST:

  
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Barbara Blackard, City Clerk/Treasurer

**EXHIBIT "A"**  
**ORDINANCE NO. 19-817**  
**Approved on May 13, 2019**

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**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~~ one side of all ~~local residential~~ *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 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 is 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 in size.</u>	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 or greater in size.</u>	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.

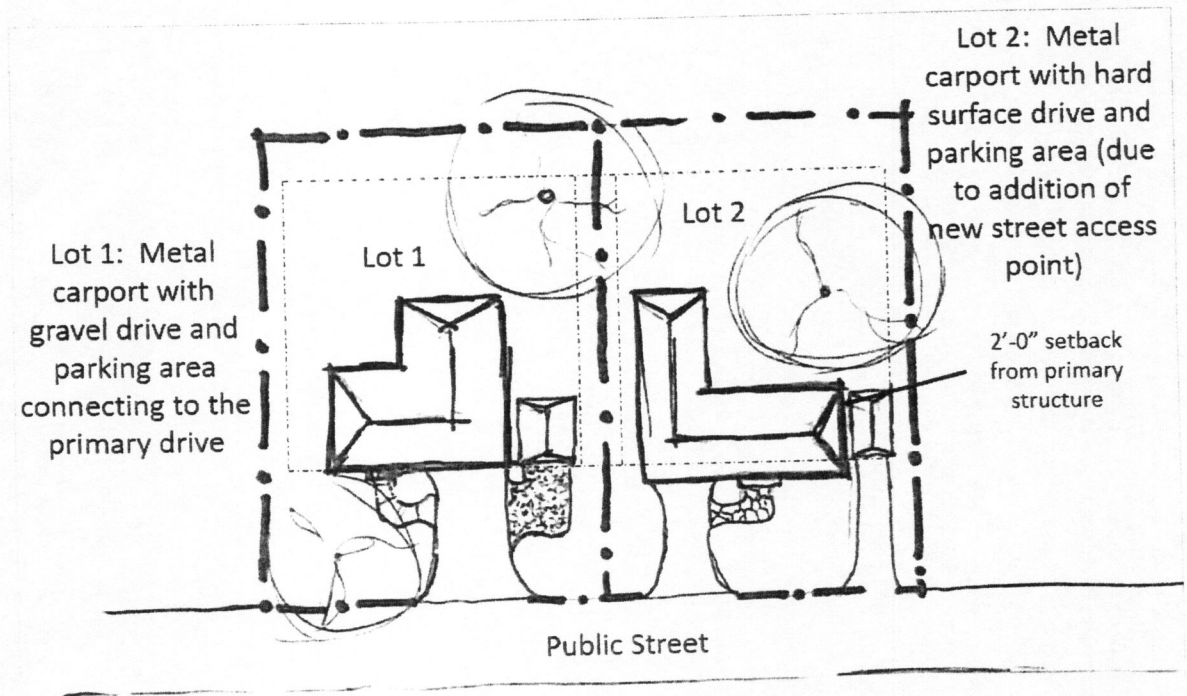
**Height:** No height regulation beyond any standards within the applicable zoning category.

**5.1.4 Carports:** Metal Carports are considered permanent *structures* and must meet the provisions of the Arkansas State Fire Code and other building codes adopted by the City of Clarksville.

All metal Carports when installed in *front yards* or *side yards* next to *streets*, shall be subject to the same *setbacks* as govern for the particular zone as listed in Article 3, Section 3.1.4 and Article 3, Section 3.2.5 or behind the front façade line of the existing primary structure, whichever distance from the ROW is least. When installed in a *rear yard* away from the *street* side they shall comply with *accessory building setback* requirements from side and rear property lines. Due to the *non-combustible nature of the construction,* they may be placed a minimum of two feet from the primary structure. The *parking area leading to and beneath the carport* may be gravel, pavers, asphalt, concrete, stone, or other similar surfacing material, but is not required to be hard surface parking area if the new parking area does not create an additional connection with a public road. The covered area of a carport shall be counted towards combined *floor area* allowance for the lot for *accessory buildings.*

No accessory structures, including carports, are allowed in conjunction with a mobile vending unit.

No metal carports are allowed in a C-1 zoning.



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 <i>dwelling unit</i> .
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 <i>floor area</i> used for assembly or recreation in the <i>building</i> .
Office Building	1 space for each 200 square feet of gross <i>floor area</i> in the <i>building</i> , exclusive of the area used for storage, utilities, and <i>building service area</i> .
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 <i>building</i> 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)
All 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.

**6.1.2 Application of Standards:** The following requirements must be met when applying the parking standards:

- 1) Joint parking facilities may be allowed for mixed uses or adjacent *structures*. However, the total *parking spaces* of the joint facility must be the same as the total number required for each separate use or *building*, except as allowed by Section 6.1.1, paragraph (b).
- 2) If the calculated number of required *parking spaces* results in a fraction more than one-half (1/2), the fraction will be counted as one (1) *parking space*.
- 3) These standards will apply any time a use is changed, a new *structure* is constructed, or an existing *structure* is expanded.
- 4) Except for *single-family and two-family dwellings*, no *parking space* in any zoning *district* may be designed to require a vehicle to back out into a public *street*.

**6.1.3 Size:** The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than 9 foot by 20 foot plus adequate area for ingress and egress.

**Section 6.2 Off-Street Loading and Unloading Requirements:** These requirements apply to off-street loading and unloading facilities:

- 1) Retail uses shall provide one (1) off-street loading and unloading space for *buildings* with a gross *floor area* of up to 10,000 square feet, plus one (1) space for each additional 10,000 square feet of gross *floor area*.
- 2) Manufacturing, repair, wholesale, and similar uses shall provide one (1) off-street loading and unloading space for *buildings* with *floor area* of up to 10,000 square feet, plus one (1) space for each additional 40,000 square feet of *floor area*.
- 3) Loading and unloading spaces used by tractor-trailers must be at least 12 feet wide and 50 feet long with a height clearance of 14 feet. The spaces must be designed to allow the tractor-trailer adequate maneuvering areas as well as access to the *street* or *alley*.
- 4) No *parking space* may be substituted for a loading space, and no loading space may be substituted for a *parking space*.

**Section 6.3 Surface Requirements:** The following apply to driveway and required off-street parking, loading, and unloading areas:

**6.3.1 Commercial Driveways:** All areas used for parking, drives, sales, loading and unloading of any type, and for use by the general public or employees shall meet or exceed the following: paved with a two inch asphalt surface over a six inch compacted sub-base, or a six inch reinforced concrete surface over a compacted sub- base. Areas used for storage, display, and maneuvering may be graveled.

- a. In lieu of completion of all hard surface requirements within this article (Article 6), if the commercial property owner or proprietor wishes, they shall submit a payment and performance bond in the City's name, payable for the amount of the estimated costs for the

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.

**6.3.2 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 on stable compacted sub-base. This requirement shall not apply to lengths in excess of the first 20 feet per drive.

**6.3.3 Maintenance:** All areas not surfaced as above described shall be landscaped and maintained in such a manner as to prevent dust and soil run off from these areas.