

**ORDINANCE NO 23-919**

**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 July 27, 2023, to take comments on possible code amendments and the Planning Commission voted on July 27, 2023, to recommend the City Council adopt these changes.

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

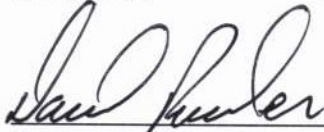
SECTION 1: The Zoning Ordinance of the City of Clarksville is hereby amended as follows:

See Attached Exhibit "A"

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed this 14<sup>th</sup> day of August, 2023

APPROVED:



David Rieder, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer

**EXHIBIT "A"**  
**ORDINANCE NO. 23-919**  
**Approved on August 14, 2023**

**Section 3.2 Commercial Districts:** These regulations govern commercial *districts*:

**3.2.1 General Description:** The commercial zoning *districts* are designed to provide areas for businesses and services used by the residents of Clarksville and surrounding areas. Three different commercial *districts* are provided. These include the C-1 Central Business District, the C-2 Quiet Business and Office District, and the C-3 Highway Commercial District.

**3.2.2 C-1 Central Business District:** This *district* is intended for Clarksville's downtown area. It is designed to allow for a mix of uses that create a vibrant downtown. Within the *district* are design standards to protect downtown's character and property values. Mixed Use Developments are a blend of residential, commercial, institutional, and entertainment uses within one space or building that are functionally integrated and that provide adequate pedestrian connections. These buildings and spaces can be achieved through the adaptive reuse of existing buildings, infill development, and new construction.

The Downtown District Design Standards are applicable in the following instances:

- 1) If a conflict occurs between different standards, these standards shall supersede the City's Site Development Standards in Article 8.
- 2) All new construction, additions, or renovations shall comply with these standards regardless of whether the improvements require a building permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction, additions, or portions of the building that are being renovated shall comply with these standards.
- 3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
- 4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
- 5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.
- 6) This section shall apply to all uses other than single family residential.

The Downtown District Design Standards are as follows:

- 1) Building Height, Placement, and parking:
  - A. All buildings within this district shall have a build-to zone encompassing 0'-12' from the front property line for the placement of primary structures.
    - a) Special exceptions for nonconforming structures located in C-1 zoning regarding the required build-to zones:



- v. **Underside.** The underside of a balcony extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a streetlight.
      - b) **Right-of-Way Encroachment.** Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Clarksville.
      - c) **Placement.** Balconies shall not interfere with street trees, streetlights, street signs, utilities, or other such civic infrastructure.
- C. **Front Porches.**
  - a) **Standard.**
    - i. **Depth.** Six (6) feet minimum from the principal façade to the inside of the column face.
    - ii. **Length.** 25% to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.
  - b) **Right-of-Way Encroachment.** Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.
- D. **Stoops.**
  - a) **Standard.** Stoops may be covered or un-covered and stairs may run to the front or to the side.
    - i. **Depth.** 4 feet minimum from the principal façade to the inside of the column face for stoops with a covered landing.
    - ii. **Height.** 96 inches maximum.
    - iii. **Length.** Maximum 12-foot width for each individual building entrance or group of connected entrances. The pedestrian connection from the stoop to the public sidewalk shall be allowed to run from the door along the facade of the building, parallel to the street, for a maximum of 12 feet from the door, before connecting directly to the public sidewalk.
  - b) **Right-of-Way Encroachment.** Stoops may occur forward of the principal façade and may extend into the right-of-way in accordance with the building code adopted by the City of Clarksville.
  - c) **Placement.** Sidewalks shall have a minimum (five) 5 feet clear access for pedestrian movements. Stoops shall not be built within 18 inches of the side property line on attached unit types.
- E. **Projected Bay.**
  - a) **Standard.** Bays shall consist of habitable space.
    - i. **Depth.** Four (4) feet maximum from the principal facade.

- ii. Second Story Height. Bays above the first or ground floor shall have a minimum of ten (10) feet clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 feet clear.
    - iii. Length. 20% maximum of the principal façade length.
  - b) Second Story Right-of-Way Encroachment. Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Clarksville.
  - c) Placement. Projected bays shall not interfere with street trees, streetlights, street signs or other such civic infrastructure.
- 3) **Exterior Architectural Elements.** The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. ~~Materials items not listed in the Architectural Elements~~ may be approved upon review by the Planning Commission.

If an applicant requests a design review, the following materials must be submitted in addition to any material required by applicable specific plans or ordinances:

Conceptual drawings shall include, but are not limited to the following:

(1) Proposed site plan showing proposed improvements;

(2) Building elevations with rendered materials;

(3) General description of materials and colors to be used;

(4) Proposed landscape plan;

(5) Photographs of the site and surrounding properties;

(6) Information on existing trees on the site and within 20 feet of the property; and

(7) Additional information that demonstrates adherence to the specific plan design criteria.

- A. Exterior Prohibited Materials. No building shall be constructed or changed to have exposed metal walls on any side or facade. Metal fascia and ornamental trim are allowed.

The following shall be prohibited on any buildings which are not single family residential:

- a) Undersized Shutters. Shutters shall be sized so as to equal the width required to cover the window opening.

- b) Shutters made of plastic.
- c) Glass with reflective coatings other than clear glass with Low-E coatings.
- d) Plastic or PVC roof tiles.
- e) Aluminum siding.
- f) Vinyl siding.
- g) Wood fiber board.
- h) Unfinished pressure-treated wood.
- i) EIFS (Exterior Insulation Finish System) located on the first or ground floor.

B. Columns, Arches, Pedestals, Railings and Balustrades.

a) Permitted Materials.

- i. Columns and Pedestals. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
- ii. Arches and Lintels. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
- iii. Railings and Balusters. Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.

C. Windows, Skylights, and Doors.

a) Permitted Configurations.

- i. All window configurations are allowed.

b) Permitted Finish Materials

- i. Windows. Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
- ii. Doors. Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)

D. Roofs and Gutters. The following applies to any buildings which are not single family residential:

a) General Requirements.

- i. Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
- ii. Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.

b) Permitted Configurations.

- i. Metal panel roofs shall expose the panel ends at the overhang.
- ii. Gutters may be rectangular, square, half-round, or Ogee sections.

c) Permitted Finish Materials

- i. Metal Roofs. Metal roofs may be made of galvanized steel, aluminum-zinc coated steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
- ii. Shingles. Shingles shall be made of asphalt, metal, concrete, terra-cotta, slate, or cedar shingles or shakes.
- iii. Gutters and Downspouts. Gutters and downspouts shall be made of copper, aluminum, galvanized steel, aluminum-zinc coated steel, lead coated copper, terne, or powder coated steel.

4) Residential / Mixed Use

- a) All new multi-family residential buildings shall be limited to a 5,500 SF footprint on the ground floor and shall not exceed three (3) stories in height.
  - i. Buildings proposing a ground floor footprint that exceeds 5,500 square feet may request a Special Use Permit to allow a greater square footage.
- b) The front façade shall be varied so that every 100' the building pattern changes to give the impression of multiple, smaller buildings.
  - i. This articulation shall be expressly approved by the Administrative Official. The Administrative Official has the right to refer any design to the full Planning Commission for review.
- c) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

5) Rear Yards Only. The following shall only be located in the rear yard and screened according to Section 5.1

- a) Trash dumpsters.
- b) Trash and recycling cans, carts, and bins.

6) Garden Walls, Fences and Hedges.

- a) General Requirements.

- i. Fences, garden walls, or hedges are permitted alongside yards, rear yards, and all property lines which abut public streets or alleys.
    - ii. Fences in the front yard shall be not be 100% opaque and shall provide visible separation between the fence slats. Fences in a rear or side yard, at least 10 feet behind the principal façade of the primary structure, may be at a maximum 100% opaque.
  - b) Height.
    - i. Front yard (in front of the primary structure) maximum height of four (4) feet.
    - ii. Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 6 feet.
  - c) Permitted Configurations.
    - i. Wood Fences. Vertical picket fences or horizontal slat fences with corner posts, and split rail fences; privacy fences are permitted in the rear and side yard only, behind the principal façade of the primary structure.
    - ii. Metal Fence. Fence shall be comprised of primarily vertical pickets with a minimum 5/8 -inch diameter, and 4-inch maximum clear space between the pickets.
    - iii. Brick and Stone.
  - d) Permitted Finish Materials
    - i. Wood.
    - ii. Wrought iron, steel and cast iron.
    - iii. Brick and stone.
    - iv. Concrete masonry units with or without stucco so long as the primary structure corresponds.
    - v. Reinforced concrete with or without stucco as long as the primary structure corresponds.

## 7) Opacity and Facades.

### a) General Requirements.

- i. Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal façade area.

### b) First or Ground Floor Requirements of Any Principal Façade.

- i. Commercial space, storefronts Office, institutional, and other non-residential space shall have a minimum of 50% glass on the first or ground floor.
- ii. Multi-family residential (three units and above and greater) space shall have a minimum of 30% glass on the first or ground floor.



- iii. Two (2) family residential space shall have a minimum of 5% glass on the first or ground floor.
  - iv. The measurement for glass percentage on the first or ground floor shall be calculated at the pedestrian level between 2—12 feet above the sidewalk. For a building façade located outside of a build-to zone the measurement for glass percentage on the first or ground floor shall be at the pedestrian level between 2 and 12 feet above the finished floor elevation (FFE).
  - v. Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.
- c) The front façade shall be varied so that every 100' the building pattern changes to give the impression of multiple, smaller buildings.
- i. This articulation shall be expressly approved by the Administrative Official. The Administrative Official has the right to refer any design to the full Planning Commission for review.

8) Outdoor display of merchandise is allowed under the following conditions only:

- a. Sidewalks are kept free of any objects or merchandise at least five (5) feet from back of curb at all times.
- b. No merchandise is displayed or stored in a public *alley*.
- c. Merchandise is displayed during business hours only.