

ORDINANCE NO. 16- 762

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 February 25, 2016, and on March 24, 2016, the Planning Commission voted to recommend the City Council adopt the 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:

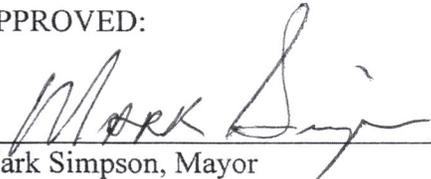
See Attached Exhibit "A"

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 11th day of April, 2016.

APPROVED:



Mark Simpson, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer

EXHIBIT "A"
Ord. 16-762

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 wayline.

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 hipped or 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.

12. Camellia – *Camellia japonica*
13. Sasanqua Camellia - *Camellia sasanqua*
14. Foster Holly – *Ilex attenuate 'Fosterii'*
15. Burford Chinese Holly – *Ilex cornuta 'Burfordii'*
16. Canaert Red Cedar – *Juniperus virginiana 'Canaertii'*
17. Silver Red Cedar – *Juniperus virginiana 'Glauca'*

Shrubs

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

Ground Covers

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

Grasses

1. Mayer Z-52 Zoysia
2. Emerald Zoysia
3. Bermuda grass
4. Bermuda grass hybrids
5. Centipede
6. St. Augustine

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

ARTICLE 7. SIGNS

Section 7.1 Purpose: The purpose of this article is to:

- 1) Promote the creation of an attractive visual environment that promotes a healthy economy.
- 2) Protect and enhance the physical appearance of the community in a lawful manner.
- 3) Foster public safety and welfare of drivers and pedestrians along public and private streets within the community by assuring that all signs are constructed and displayed in a safe manner by avoiding unsafe and harmful visual clutter.
- 4) Have administrative review procedures that allow consistent enforcement, minimize discretion in review, and minimize the time required to review applications.

This article is in addition to regulations 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.

Section 7.2 Rules of Interpretation: The following rules apply to all signage:

- 1) When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined. All setbacks shall be measured from the property line or the projected edge of the Master Street Plan right-of-way, whichever is greater.
- 2) When determining maximum signage area of a sign, the total area of one side of the sign shall be used, except for signs having more than two sign faces. The total area of all sign faces shall be used for such signs.
- 3) When determining maximum signage area where signage is made from individual letters or figures (sometimes referred to as channel letters), the area shall be calculated by measuring a continuous boundary around the entirety of the signage elements.
- 4) Window signs shall count toward the maximum sign surface area allowed for wall signs.

Section 7.3 Permit Requirement: No sign shall be erected, transferred, rebuilt, or structurally altered within the city unless a permit has been issued by the Administrative Official. Addition or modification to the illumination of any existing sign which changes the type or intensity of the lighting shall require a new sign permit. Refacing a sign or a change in message of a permitted sign shall not require a permit unless it involves modification to the electrical or structural components of the signs. A separate permit shall be required for each sign. Electrified signs shall also require an electrical permit.

- 1) Applications: Application for a sign permit shall be made on forms provided by the Administrative Official. Requirements shall 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, scale drawing showing exact location of the sign, and lighting and construction design.

- 2) **Application Approval and Permit Issuance:** The Administrative Official will be charged with review of all sign permit applications based upon the provisions of this code and other applicable regulations. The Administrative Official shall have 20 business days from receipt of the completed application to approve or deny the sign permit application. If the Administrative Official fails to render a decision on a completed sign permit application that appears to meet the provisions of this code and other applicable regulations within 20 business days, the applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided for denied permit applications upon request of the applicant. All decisions rendered by the Administrative Official concerning sign permit applications can be appealed to the Board of Adjustment by the applicant.
- 3) **Sign Erection Deadline:** Permit for any sign not erected within six (6) months of date of issuance shall be void.
- 4) **Inspection:** The person or contractor responsible for completion of the sign erection shall notify the Administrative Official upon completion of work. A final inspection shall be required, including electrical inspection, if needed, to confirm compliance with the terms of the sign permit.
- 5) **Fees:** Fees shall be submitted upon approval of the application, in the amount set by the schedule of fees set by the City Council. If a penalty has been assessed for non-compliance, both the penalty and the normal permit fee must be paid before a permit shall be issued.

Section 7.4 Permit Exemptions: The following signs are exempted from the sign permit requirements, but must comply with all other requirements of this title:

- 1) Temporary Signs
- 2) Governmental and official public signs, including wayfinding signs.
- 3) Window displays and signs affixed to windows.

Section 7.5 Prohibited Signs: The following signs are prohibited within city limits:

- 1) Signs imitating warning signals or which constitute a traffic hazard.
- 2) Billboards.
- 3) Abandoned signs.
- 4) Signs within a public right-of-way, excluding wayfinding signs.
- 5) Signs painted on or attached to trees, rocks, or other natural formations, *fence* posts, street signs, or utility poles.
- 6) Off-premise signs. (See Section 7.7.6)
- 7) Signs affixed or painted on a vehicle or trailer that is parked adjacent to a public right-of-way for more than 5 days.

- 8) Rotating signs.
- 9) Signs containing flashing or intermittent illumination unless part of a permitted Electronic Message Sign.
- 10) Roof Signs.

Section 7.6 Exemptions: The following are exempted from the provisions of Article 7:

- 1) Signs not visible or which are clearly not intended to be visible from the public right-of-way.
- 2) Flags of any nations, government, or non-commercial organization. Flags must be flown in accordance with the federal flag code established by the United States Congress. Any flag not meeting the federal flag code shall be considered a sign and shall not be exempted from these regulations.
- 3) Signs which are mandated to be displayed by law or action of a governmental entity.
- 4) Any display or construction not defined as a sign.
- 5) Art displays that do not contain a commercial message.
- 6) Signs for sexually oriented businesses. (Regulated by separate ordinance)

Section 7.7 Standards: The following apply to all signs:

7.7.1 Prevention of Access: 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.

7.7.2 Obstruction of Vision: In addition to the provisions of Section 5.7, no sign shall be placed in manner that would allow it to obstruct the vision of drivers and pedestrians at driveway entrances

7.7.3 Interference with Utilities: 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 easement.

7.7.4 Illumination adjacent to Residential Areas: If facing or adjoining a residential lot line or district, except R-O, no freestanding sign or wall sign on a side or rear façade shall be internally illuminated unless shielded in a manner to minimize the trespass of light into the residential lot or district. This provision shall apply to signs within R-O zones facing or adjacent to other residential lots or districts.

7.7.5 Construction Standards: All signs and sign structures permitted herein shall conform to the applicable building and electrical codes adopted by the City of Clarksville. All signs, except Temporary Signs, shall be

constructed of materials that are durable and permanent in nature, and permanently affixed through secure anchoring to the ground or a building. Temporary signs shall be securely anchored to the ground or a building in a non-permanent fashion.

7.7.6 Content of Signs: These regulations are not intended to regulate the message or content of non-commercial signs or temporary signs, meaning only signs with a commercial message are subject to the off-premise signage prohibition. A sign with a non-commercial message may substitute a sign with a commercial message, provided it meets all requirements of this code.

Section 7.8 Temporary Signs: Temporary signs shall not be electrified or illuminated.

7.8.1 Temporary Signs – Type 1: Temporary sign allowed while a building or property is under construction or renovation.

- 1) Allowable Zones: All zones
- 2) Maximum Size: 16 square feet in residential zones, 50 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per lot

7.8.2 Temporary Signs – Type 2: Temporary sign allowed while a property or building is for sale, lease, or rent.

- 1) Allowable Zones: All zones
- 2) Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per lot

7.8.3 Temporary Signs – Type 3: Temporary Signs.

- 1) Allowable Zones: All zones
- 2) Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per lot

- 6) Time: Signs may be displayed a maximum of 30 consecutive days within a 90 day period. The 90 day period shall be counted to begin from the first day a temporary sign is displayed. The sign shall be allowed to be displayed only within the first 30 consecutive days of the 90 day period.
- 7) Other Requirements: To be valid and allowed such signs shall require a sticker from the Administrative Official to be affixed to the sign indicating the starting and expiration date for when the sign will be displayed. The starting date shall not be more than 15 days after the date which the sticker is requested from the Administrative Official.
- 8) Election Period: During a period of 120 days prior to and 7 days after any public election authorized by the Johnson County Election Commission, items 5, 6, 7 of this subsection shall not apply to temporary signs.

7.8.4 Temporary Signs – Type 4: Sandwich Board Signs.

- 1) Allowable Zones: C-1
- 2) Maximum Size: 12 square feet
- 3) Maximum Height: 4 feet
- 4) Number Allowed: 1 sign per building
- 5) Placement: The sign shall be placed on private property, or may be placed on a public or private sidewalk. The sign shall be placed such that sidewalk remains ADA compliant with at least five (5) feet of total sidewalk width clear of any obstructions.
- 6) Time: Signs may be displayed only from 7 a.m. in the morning to 10 p.m. in the evening each day.

Section 7.9 Sign Standards by Type:

7.9.1 Electronic Message Signs:

- 1) Sign Type and Zoning: Electronic message signs shall only be allowed on freestanding signs in C-2 and C-3 zones.
- 2) Size: The maximum sign surface area of an electronic message sign shall not exceed 32 square feet. Such sign may be considered part of a larger freestanding sign and count against the maximum allowable surface area of the freestanding sign.
- 3) Dimming and Brightness: Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles of illumination above ambient light level.
- 4) Flashing Illumination and Movement: The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of flashing, chasing, running,

blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.

- 5) Rate of Change: No electronic message sign shall change copy more frequently than once every 8 seconds.

7.9.2 Wayfinding Signs: Wayfinding signs shall be allowed on public property or within a public right-of-way under the following conditions:

- 1) Entity: The sign shall direct the reader to the location of a public or educational institution, a facility operated by a non-profit entity that is intended to attract out-of-town patrons, a facility relating to the public safety and welfare or public health, a scenic or historic structure, or trails and parks.
- 2) Approval and Installation: Wayfinding signs must be expressly approved by the Administrative Official and any additional authority having jurisdiction. The signs must be fabricated, installed, and maintained by the City or its agent.
- 3) Traffic Hazard: The signs shall not be allowed to be installed in a location or manner that would constitute a hazard to vehicles or pedestrians.
- 4) Maximum Number: The maximum number of signs allowed each entity shall be 7. This limitation shall not apply to scenic or historic structures and trails or parks.

7.9.3 Wall Signs and Roof Signs:

- 1) Placement: A wall sign shall not project above the façade on which it is mounted. Wall signs shall not be allowed on roofs. A mansard roof shall be considered a façade under the terms of this Article. Signs affixed to roofs are prohibited.

Section 7.10 Signs Allowed by Zoning District:

7.10.1 Central Business District (C-1):

- 1) Wall Signs:

A. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 2 square feet for each linear foot of *building* façade or 100 square feet, whichever is less. These requirements shall apply independently to each *building* façade. Signs upon awnings shall be considered wall signs. No wall signs shall be allowed to project above the roof line of the *building* façade.

- 2) Projecting Signs:

A. Maximum Size: 10 square feet for signs at least 80 inches above the surface grade of the sidewalk; 40 square feet for signs at least 12 feet above the surface grade of the sidewalk.

B. Number: 1 per building façade

- C. Minimum Height: 80 inches above the surface grade of the sidewalk
- D. Distance from Street: All elements of the sign including any support structures must be at least 2 feet from back of the curb of the adjacent street.

3) Temporary Signs: See Section 7.8

7.10.2 Neighborhood Commercial and Quiet Business (C-2):

1) Wall Signs:

A. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 10% of the total area of the wall on which the sign is placed. These requirements shall apply independently to each *building* façade. In the case of multi-tenant structure, each tenant space shall be considered a separate *building* façade.

2) Projecting Signs:

A. Maximum Size: 10 square feet

B. Number: 1 per building façade in a single tenant structure or 1 per tenant space in a multi-tenant structure

C. Minimum Height: 8 feet above the surface grade of the sidewalk

3) Freestanding Signs:

A. Maximum Sign Surface Area: The maximum size for a free-standing sign for a single tenant structure shall be 100 square feet. The sign surface are shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed.

The maximum size for a free-standing sign for a multi-tenant structure shall be 200 square feet. The sign surface are shall not exceed one square foot for every three linear feet of public street frontage, counted from along the street where the sign will be placed.

B. Number: 1 per main building

C. Maximum Height: 20 feet above the surface grade of the street

D. Minimum Setback: 10 feet, 5 feet if ground-mounted and not exceeding 8 feet in height

E. Electronic Message Sign: Allowed, See Section 7.9

4) Temporary Signs: See Section 7.8

7.10.3 Highway Commercial (C-3):

1) Wall Signs:

A. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 10% of the total area of the wall on which the sign is placed. These requirements shall apply independently to each *building* façade. In the case of multi-tenant structure, each tenant space shall be considered a separate *building* façade.

2) Projecting Signs:

A. Maximum Size: 10 square feet

B. Number: 1 per building façade in a single tenant structure or 1 per tenant space in a multi-tenant structure

C. Minimum Height: 8 feet above the surface grade of the sidewalk

3) Freestanding Signs:

A. Maximum Sign Surface Area: The maximum size for a free-standing sign for a single tenant structure shall be 150 square feet. The sign surface area shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed.

The maximum size for a free-standing sign for a multi-tenant structure shall be 250 square feet. The sign surface area shall not exceed one square foot for every three linear feet of public street frontage, counted from along the street where the sign will be placed.

B. Number: 1 per main building

C. Maximum Height: 35 feet above the surface grade of the street, an additional 15 feet in height is permitted if the sign is to be located within 150 feet of the right-of-way of an Interstate Highway.

D. Minimum Setback: 10 feet, 5 feet if ground-mounted and not exceeding 8 feet in height

E. Electronic Message Sign: Allowed, See Section 7.9

4) Temporary Signs: See Section 7.8

5) Commercial Cul-de-sac: A commercial subdivision forming a cul-de-sac for individual commercial lots may have a freestanding sign located at the entrance to the cul-de-sac. Such sign shall not exceed 35 feet in height above street grade, and shall be located in such a manner not to restrict the view of traffic entering or exiting the subdivision.

7.10.4 Industrial Zones (I-1 & I-2):

1) Wall Signs:

A. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 10% of the total area of the wall on which the sign is placed. These requirements shall apply independently to each *building* façade. In the case of multi-tenant structure, each tenant space shall be considered a separate *building* façade.

2) Projecting Signs:

A. Maximum Size: 10 square feet

B. Number: 1 per building façade in a single tenant structure or 1 per tenant space in a multi-tenant structure

C. Minimum Height: 8 feet above the surface grade of the sidewalk

3) Freestanding Signs:

A. Maximum Sign Surface Area: The maximum size for a free-standing sign for a single tenant structure shall be 150 square feet. The sign surface area shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed.

The maximum size for a free-standing sign for a multi-tenant structure shall be 250 square feet. The sign surface area shall not exceed one square foot for every three linear feet of public street frontage, counted from along the street where the sign will be placed.

B. Number: 1 per main building

C. Maximum Height: 35 feet above the surface grade of the street, and additional 15 feet in height is permitted if the sign is to be located within 150 feet of the right-of-way of an Interstate Highway.

D. Minimum Setback: 10 feet, 5 feet if ground-mounted and not exceeding 8 feet in height

7.10.5 Residential and Agricultural Zones (R-1, R-2, R-2AH, R-3, R-4, R-O, A-1):

1) Residential Uses:

A. General Requirements: Internal or external illumination is prohibited.

B. Wall Signs:

1. Number: 2 on front façade

2. Maximum Sign Surface Area: 2 square feet per sign, 4 square feet total

C. Temporary Signs: See Section 7.8

2) Non-Residential Uses:

- A. General Requirements: Internal or external illumination is allowed. See Section 7.7.4
- B. Wall Signs:
 - 1. Number: 1 on front façade
 - 2. Maximum Sign Surface Area: 32 square feet
- C. Freestanding Signs:
 - 1. Number: 1
 - 2. Maximum Sign Surface Area: 32 square feet.
 - 3. Maximum Height: 8 feet above the grade of the street or surface grade, whichever is greater. Sign shall be ground-mounted.
 - 4. Minimum Setback: 10 feet
- D. Temporary Signs: See Section 7.8

7.10.6 Planned Unit Development (PUD): All signs in the PUD *districts* shall be submitted for review and approval as part of the PUD approval process.

Section 7.11 Billboards: The following regulations apply to billboards in the City of Clarksville.

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

7.11.2 Existing Billboards: 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 (1/2) of its current replacement cost, it shall not be replaced.

Section 7.12 Administration and Enforcement

7.12.1 Responsibility and Maintenance: 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. All sign(s)/sign structure and premises surrounding the same shall be maintained in a clean, sanitary condition and free and clear of all rubbish and weeds. All sign components, including supports, braces, anchors, etc., shall be kept in compliance with all building and electrical codes, and in conformance with the requirements of this Code. All components should be free from deterioration, termite infestation, rot, rust or loosening. Repair and replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign is required by this Code.

7.12.2 Violations: Violations shall be handled according to the provisions of Article 12 of this Code.

7.12.3 Removal of Signs: The Administrative Official shall have the authority to remove any sign placed within a dedicated or prescriptive public right-of-way.

Section 7.13 Non-conforming Signs

7.13.1 General: Non-conforming signs shall be brought into compliance or eliminated by attrition. A nonconforming sign shall not be relocated, replaced, expanded, or altered except to bring the sign into compliance with this Code. Non-conforming signs which have been deemed abandoned shall be removed. Non-conforming signs damaged to an extent beyond one-half (1/2) of its current replacement cost, shall not be replaced or repaired. Where a sign is non-conforming due to an encroachment of the required setback, such sign may be structurally altered or expanded without a variance. The expansion or alteration shall not reduce the amount of the sign's existing setback, and the sign must have an existing setback of at least 5 feet from the property line or master street plan right-of-way, whichever is greater.

ARTICLE 13. DEFINITIONS

Section 13.1 Interpretation: For the purposes of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, or corporation as well as an individual.

Section 13.2 Other Definitions: Specific sections of this Code may contain other definitions as appropriate.

Section 13.3 Definitions: For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined. Exclusive of headings and titles, any word in this code which is *italicized* is defined in this section.

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.

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*.

Amended: Ord. 2014-732

Adult Daycare Center: An establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Apartment: A *multiple family dwelling* (see "Dwelling, Multiple-Family").

Automobile Junk and Salvage Yard or Scrap Yard: An area outside of a *building* where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored, or where scrap metal, cloth, wood, paper, or other materials are stored for either resale, recycling, or retention.

Bed and Breakfast: An owner-occupied *dwelling unit* that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

Building: See *Structure*.

Building Coverage: The percentage of the *lot area* covered by the *building*. The *building* area shall include all overhanging roofs.

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.

Building, Main or Principal: A *building* in which is conducted or intended to be conducted, the main or *principal* use of the *lot* on which said *building* is located.

Building Official: The individual designated by the Clarksville City Council with the responsibility of administering the city building and development codes.

Child Care Family-Home: When children are cared for in a caregiver's own family residence or in some other suitable family type residence, and when one or more persons care for a minimum of six children but not more than sixteen children from more than one family at the same time. *Subject to all other applicable State regulations.*

Child Care Center (Private): A commercial child care center conducted under private for-profit, auspices providing direct care and protection for children.

Child Care Center (Public or Non-Profit): 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 weeks at a time, specifically including Bible Schools or Day Camps.

Clinic, Dental or Medical: A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Convenience Store: Any retail establishment offering for sale prepackaged or prepared food products, household items, gasoline and other goods commonly associated with the same and having a gross *floor area* of less than 5,000 square feet.

District, Zoning: Any section, sections, or divisions of the City for which the regulations governing the use of land, density, bulk, *building height*, and coverage of *buildings* and other *structures* are uniform.

Drive-in Commercial Uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling: Any *building*, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, *Manufactured Homes*, or *travel trailers*.

Dwelling, Attached: A *dwelling* having any portion of one or more walls in common with adjoining *dwellings*.

Dwelling, Detached: A *dwelling* having *open space* on all sides.

Dwelling, Single-Family: A *dwelling* designed to be occupied by one family.

Dwelling, Two-Family: A *dwelling* designed to be occupied by two families living independently of each other.

Dwelling, Multiple-Family: A *dwelling* designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, *hotels*, or *motels*.

Dwelling, Townhouse or Row House: Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.

Dwelling Unit: A room or group of rooms within a *dwelling* and forming a single habitable unit with facilities for living, sleeping, and cooking.

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

Family: One or more persons related by blood or marriage, including adopted children, or a group not to exceed 4 persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, *hotel*, club, or similar *dwelling* for some group use. A family may include domestic servants employed by said family.

Federal Standards: The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et. seq., as it existed on January 1, 1976.

Fence: A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Floor Area: The sum of the gross horizontal areas of all of the floors of a *building* or *buildings* measured from the exterior faces of exterior walls or from the centerline of walls separating two *buildings*.

Free-Standing Vending Machine: A coin operated machine that dispenses merchandise intended as a stand-alone business to be accessed by automobile.

Garage, Private: An *accessory building* or a part of a *main building* used for storage purposes only for automobiles, used solely by the occupants and their guests of the *building* to which it is accessory.

Garage, Public or Repair: A *building* in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Gasoline or Service Station: A *building*, *structure*, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, body work, major repairs, or automatic washing facilities.

Hard Surface: Concrete or asphalt surfacing installed to adequately support its intended load or apparatus. Except that the minimum construction for parking is: four inches of 3000 psi concrete over stable sub grade or two inch asphalt over six inch compacted gravel

Home Occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the *dwelling* for *dwelling* purposes, which does not change the character thereof, and which is conducted entirely within the main *building*.

Hospital: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

Hotel: A *building* or part thereof occupied as; a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking is made, and in which *building* there is usually a kitchen and public dining room for the accommodation of the occupants and guests. This definition does not include an auto or trailer court or camp, sanatorium, *hospital* asylum, orphanage, or *building* where persons are housed under restraint.

Kennel: Any *lot* or premises on which 4 or more dogs, more than six months of age are kept for personal use or boarding.

In-Home Child Care Provider: An individual selected by the family to provide child care to five or less children in the child(ren)'s home. *Subject to all other applicable State regulation.*

Illumination, External: Sign illumination which is generated from outside the sign's internal structure.

Illumination, Internal: Sign illumination which is generated from inside the sign's internal structure.

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.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Code including one *main building* together with its *accessory building*, and the *open spaces* and *parking spaces* required by this Code, and having its principal frontage upon a *street*.

Lot, Area: The total horizontal area included within the *lot*.

Lot of Record: A *lot* or parcel of land, the deed to which has been recorded in the office of the County Recorder of Johnson County prior to the adoption of this Code.

Lot, Corner: A *lot* abutting upon two or more *streets* at their intersection.

Lot, Double Frontage: A *lot* which is an interior *lot* extending from one *street* to another and abutting a *street* on two ends.

Lot Lines: The lines bounding a *lot* as defined herein.

Lot Line, Front: In the case of an interior *lot*, the line separating said *lot* from that *street* which is designed as the front *street* in the request for a *building* permit.

Lot Line, Rear: The *lot* boundary opposite and most distant from the *front lot line*. In the case of a pointed or irregular *lot*, it shall be an imaginary line parallel to and farthest from the *front lot line*.

Lot Line, Side: Any *lot line* other than a front or rear *lot line* as defined herein.

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

Manufactured Home: A dwelling unit constructed in a factory in accordance with the *Federal Standards* and meeting the definitions set forth in the *Federal Standards* and under Arkansas Code Annotated §20-25-102.

Manufactured Home Park: Land or property containing a minimum of 2 acres which is used or intended to be used or rented for occupancy by *Manufactured Homes* or moveable sleeping quarters of any kind.

Mobile Home: A dwelling unit constructed in a factory before the enactment of the *Federal Standards*.

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.

Motel: A motel or motor court is a business comprised of a *building* or group of *buildings* so arranged as to furnish overnight accommodations for transient guests.

Nonconforming Use: Any *building* or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the *district* within which it is located.

Nursing Home: Any premises where more than three persons are lodged and furnished with meals and nursing care.

Open Space: An unoccupied space open to the sky on the same *lot* with the *building* and occupied by no *structure* or portion of *structure* whatever.

Parking Lot: An off-street facility including *parking spaces* and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

Parking Space: An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways, and having direct access to a *street* or *alley*. It shall measure not less than 9 x 20 feet.

Principal Use: The specific primary purpose for which land, *building* or *structure* is used or intended to be used.

Public Utility: Any person, firm, corporation, municipal department, or Council, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Registered Child Care Family Home: when five or less children are cared for in the caregiver's own family residence or in some other suitable family type residence. *Subject to all other applicable State regulations*

Relative Child Care Family Home: when five or less children are cared for by a relative of the child(ren). *Subject to all other applicable State regulations.*

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 case less than 10 feet from the edge of existing *street* surface.

Satellite Television Receiving Dishes, Ground Mounted: A device commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite

communications facilities and serving the same or similar function as the common television antenna. These devices are considered *accessory buildings*.

Service Station: See Gasoline Service Station.

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

Sexually Oriented Business: Means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult sex shop, adult theater, escort agency, lingerie model studio, nude model studio, or sexual encounter center.

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.

Sign, Abandoned: A sign relating to or identifying an entity which has ceased operations or existence on the premises for at least six (6) months.

Sign, Awning: A sign which is a part of a fabric or other non-structural awning. Such signs are considered Wall Signs.

Sign, Billboard: An off-premise sign. See definition for off-premise sign.

Sign, Electronic Message: A sign which uses artificial light to display changing electronically programmed messages.

Sign, Governmental or Public: A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian, bike, or vehicular traffic.

Sign, Ground-Mounted: A freestanding sign that is supported by a solid base (other than poles) such that the bottom of the sign face is three (3) feet or less above grade, and no air space is visible within or between any portion of the sign display area and the signs supporting structure.

Sign, Height: 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.

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

Sign, Nonconforming: Any sign which is not permitted under the terms of this ordinance, within the *district* in which it is located.

Sign, Off-premise: A sign, whether leased or owned by the advertising entity, which directs attention to an entity, activity, business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permanent: Signs anchored to the ground or building in a secure, permanent fashion as stipulated in applicable codes as adopted by the City of Clarksville.

Sign, Projecting: A sign which projects from and is supported by a wall of a *building*.

Sign, Sandwich Board: A sign set on the ground, without attachment to the ground, in an “A” frame configuration consisting of two sign panels hinged at the top.

Sign, Surface Area: The total surface area of a sign as determined in Section 7.2 of this Code.

Sign, Temporary: Any sign which is intended for temporary use and which is not permanently mounted to the ground or a building.

Sign, Wall: Any sign, other than a projecting sign or a temporary sign, which is permanently attached to or painted on any façade of any building.

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*.

Street: Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, *structures* include *buildings, fences, billboards, and poster panels*, but do not include walks and drives.

Structural Alterations: Any change in the supporting members of a *building*, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Travel Trailer: The *travel trailer* unit is a department temporary single-family *dwelling unit* built on a chassis not exceeding 8 feet wide and 32 feet long designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Unit may be self-propelled or towed behind a vehicle without a special permit required.

Travel Trailer Park/ Recreational Vehicle Park: A unified development under private ownership designed primarily for transient service, on which *travel trailers, pick-up coaches, and self-propelled motorized vehicles* are parked or situated for short-term occupancy. The owner shall provide park services for utility and sanitary facilities.

Wireless Communication Facility: A *wireless communication facility* is defined as any unstaffed 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.

Wireless Communication Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The *Antenna Array* does not include the *Support Structure*.

Wireless Communication Equipment Facility: Any *structure* used to contain ancillary equipment for a WCF.

Wireless Communication Support Structure: A *structure* designed and constructed specifically to support an *Antenna Array*, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to