

ORDINANCE NO. 17-790

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, 2017, 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:

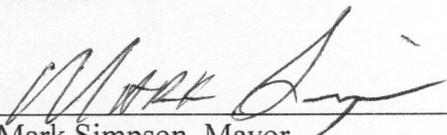
See Attached Exhibit "A"

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

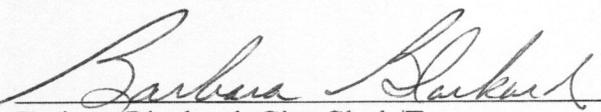
Passed this 14th day of August, 2017.

APPROVED:



Mark Simpson, Mayor

ATTEST:



Barbara Blackard, City Clerk/Treasurer

USE TABLE	ZONING DISTRICT		
	C-1	C-2	C-3
P = Permitted Use NP = Prohibited Use SP = Requires Special Use Permit (see Article 4)			
Church or Place of Worship	P	P	P
<i>Clinic, Dental, Medical or Osteopathic, Chiropracist, Pharmacy</i>	P	P	P
Clinic, Veterinary	NP	NP	SP
Club or Lodge	P	SP	P
<i>Convenience Store</i>	SP	NP	P
Drug Store/Medical Marijuana Dispensary/Pharmacy	SP	SP	SP
Dry Cleaners & Laundry	P	NP	P
Eating Place, which does not provide service in automobile (with interior dining facilities)	P	P	P
Eating Place W/Service in Automobiles	NP	NP	P
Florist Shop	P	P	P
<i>Free-Standing Vending Machines</i>	NP	NP	SP
Funeral Home, Mortuary, or Undertaking Establishment	P	NP	P
<i>Hotel</i>	SP	NP	P
Light Industry with Retail Sales	SP	NP	SP
<i>Live/Work Unit</i>	SP	NP	NP
<i>Motel</i>	SP	NP	P
Mini-Storage	SP	SP	P
Multi-Family Residential	SP	SP	SP
<i>Manufactured Home – Individual</i>	NP	NP	SP
Offices: Professional	P	P	P
Public <i>Buildings</i> and Facilities	P	SP	P
Repair Outlet with Outdoor Storage	NP	SP	NP
Retail Establishment with No Outside Display	P	SP	P
Retail Establishments with Outside Display	P	NP	P
<i>RV and Travel Trailer Park</i>	NP	NP	SP
School, Nursery, or Day Care	NP	SP	P

ARTICLE 4. SPECIAL USE PERMITS

Section 4.1 Nature and Description: Because of their unique character and impact on adjacent properties, some uses in this code are designated as special uses and require a permit. Depending on the nature of the use, such uses may or may not be desirable and appropriate in all circumstances. Each application must be individually considered to provide for conditions of approval and special restrictions. These conditions and restrictions are used to protect the adjacent area where the special use will be located.

Section 4.2 Uses: A list of allowable special uses specific to each zoning *district* can be found in the permitted use table or list for the zoning *district* (See Article 3). However, the uses below may be allowed in any zoning *district*. All special use permits must be approved following the procedure in Section 4.3.

- 1) Cemetery or mausoleum.
- 2) Greenhouse or nursery.
- 3) *Hospital or nursing home.*
- 4) Landing field or strip for aircraft.
- 5) Radio tower or broadcasting station.
- 6) Removal of gravel, topsoil or similar natural material. (see Section 5.9)
- 7) *Public utility structure*, such as water treatment plant, power plant, etc.

Section 4.3 Procedure for Authorizing: The following is the review procedure for all special use permits:

- 1) An application shall be filed with the Administrative Official for review. The application shall show the location and proposed use of the site, existing land uses within 200 feet, and any other material or information the Planning Commission may require.
- 2) The Administrative Official will set the date for a public hearing on the application. The public hearing must be advertised in a newspaper of general circulation in the City of Clarksville not fewer than 15 days before the public hearing. The Public Notice shall give the location of the property and the proposed use desired for the permit. The Administrative Official must also post a noticeable sign on the property advertising the public hearing.
- 3) In considering the application, the Planning Commission shall pay attention to the nature and condition of all adjacent uses and *structures*. The application may be denied or approved. If approved, conditions and restrictions on location, construction, maintenance, and operations may be imposed as necessary to protect adjacent properties and the health, safety, and welfare of the community.
- 4) A majority vote of the entire Planning Commission shall be required to approve a Special Use Permit. If denied, another application cannot be filed for the property within 12 months.

~~5) The City Council, by majority vote, may approve a recommended Special Use Permit application, may approve with changes, or may deny the application. If denied, another application cannot be re-filed for the property within 12 months from the date of the City Council's vote.~~

~~Amended — Ord. 2001-430~~

6) A Special Use Permit shall run with the land, meaning the permit is independent of the property owner. However, any expansion of the original development allowed by the Special Use Permit exceeding 100 square feet or an estimated construction cost of \$10,000 shall require a new Special Use Permit.

Section 4.4 Fees: Before the application is reviewed, an application fee must be paid to the City Clerk. The fee is set by the City Council in its Schedule of Fees. This fee is non-refundable.

ARTICLE 5. SPECIAL PROVISIONS

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 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 Requirements			
Front	Side	Side-Exterior	Rear
Must be placed behind front edge of the <i>main building</i> , except in industrial zones.	5 ft.	Must be placed behind front edge of the <i>main building</i> , except in industrial zones.	5 ft.

5.1.3 Size and Height:

- 1) 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.
- 2) Height: Not to exceed 24 feet in height.

5.1.2 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. When installed in a *rear yards* away from the *street* side they shall comply with *accessory building setback* requirements. The covered area of a carport shall be counted towards combined *floor area* allowance for the lot for *accessory buildings*.

USE TABLE	ZONING DISTRICT		
	C-1	C-2	C-3
P = Permitted Use			
NP = Prohibited Use			
SP = Requires Special Use Permit (see Article 4)			
<i>Single-Family Detached Dwelling</i> *(See Section 5.21)	*	*	*
Studio, Photographic, Musical	P	P	P
Theater, Indoor	P	NP	P
Warehousing, Inside Storage Only	P	NP	P
Utility Staging Yard with Outdoor Storage	NP	SP	NP
Wholesale Establishment	P	NP	P
Wrecker Service	NP	SP	SP
Accessory Uses to Permitted Uses	P	P	P

3.2.6 Lot, Yard, Height Requirements: No lot or yard can be created or reduced so that it does not meet the minimum area requirements shown in the following table. No building or structure shall be constructed or changed so that it will exceed the maximum building height requirements shown in the following table.

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.

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

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

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

AREA REQUIREMENTS	ZONING DISTRICT		
	C-1	C-2	C-3
Minimum Lot Area (Square Feet)	2,500	5,000	5,000
Minimum Lot Width at Building Line (Feet)	25	50	50
Maximum Building Coverage (Percentage)	100	40	50
YARD REQUIREMENTS (Feet)			

- A. The *Accessory Dwelling Unit* shall not be sold separately from the *principal building*.
- B. The *Accessory Dwelling Unit* is restricted to the size approved by the Planning Commission.
- C. The property owner shall permanently reside on the property.
- D. All of these restrictions are binding upon all successive owners of the property, and shall run with the property.

Section 5.21 Single-Family Detached Dwellings in Commercial Zones:

- 1) **Use and Occupation of Existing Structures:** Existing structures originally designed for single-family residential use shall not require a special permit for use and occupation as a *single-family detached dwelling*. The structure shall be required to meet applicable code requirements of the Arkansas State Fire Prevention Code.
- 2) **Replacement of *Single-Family Detached Dwellings*:** The placement of a *single-family detached dwelling* shall not require a special permit if replacing an existing structure or a destroyed or demolished structure. If the structure has been demolished or destroyed for more than two (2) years from the date a building permit is sought, a special permit shall be required.
- 3) **New Placement of *Single-Family Detached Dwellings*:** A special permit shall be required when a new *single-family detached dwelling* is requested to be placed on a property where a *single-family detached dwelling* has not been previously placed.