ORDINANCE NO. 87-8

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 142 BY INCREASING THE NUMBER OF CLASSIFICATIONS IN RESIDENTIAL USE ZONE; BY PROVIDING VISUAL CLEARANCE REQUIREMENTS; BY PROVIDING MINIMUM PARKING SPACE REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, There is only one classification of Residential Use Zone known as R-1, and

WHEREAS, The need for a variety of and more specific classifications of residential use exists, and

WHEREAS, No provision is made for visual clearance requirements, and

WHEREAS, Minimum parking space requirements needed to be standardized,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. That the following changes be made in Ordinance No. 142:

A. In the Table of Contents on page 1 replace all of III USE ZONES with

"III USE ZONES

SECTION 1 Residential R-1 Single Family Residential
SECTION 2 Residential R-2 Two Family Residential
SECTION 3 Residential R-3 Multi Family Residential
SECTION 4 Central Business District C-1
SECTION 5 General Commercial C-2
SECTION 6 Industrial I-1
SECTION 7 Flood Plain - FP-1
SECTION 8 Special Uses"

AMENDED BY ORD. # 89-9 DATE 8-1-89

B. On the same page under IV GENERAL REGULATIONS add:

"SECTION 6 VISUAL CLEARANCE REQUIREMENTS
SECTION 7 MINIMUM PARKING SPACE REQUIREMENTS"

C. In Chapter 3 - USE ZONES on Page 3-1 change the Residential Use Zone to read:

"Residential Use Zones

The residential use zones are intended for residences, with permitted related uses as set forth in each classification. The permitted uses and the area requirements establish the character of the use district.

R-1 Single Family Residential

R-2 Two Family Residential

R-3 Multi-Family Residential

D. On Page 3-2, SECTION 1 after Residential R-1 add the words "Single Family Residential".

E. On Page 3-3, B. under Area Requirements, Residential delete all content down to C. Area Requirements, Place of Public Assembly and add:

"1. Minimum lot area: Single Family Dwelling 7,000 sq.ft.

2. Minimum lot width: Single Family Dwelling at front yard building line 60 feet.

3. Front yard: Minimum of 25 feet from right of way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has the least dimension.

4. a. Side yard (each): Minimum of 7½ feet from each property line.

b. Side yard street: Same as side yard.

5. Rear yard: Minimum of 20 feet from rear lot line or center of alley if one exists, whichever is greater.

6. Off-street parking: Parking space shall be provided on the lot to accommodate two motor vehicles for each family unit."

F. On Page 3-4 under 3. On-lot parking delete the paragraph a. and substitute, "See Minimum Space Requirements".

G. On Page 3-4 before existing SECTION 2 add the following and change SECTION 2 to "SECTION 4".

"SECTION 2. R-2 Two Family Residential

1. Permitted Uses

a. One-family dwellings
b. Two-family dwellings
c. Churches
d. Parks, playgrounds, etc.
e. Schools offering a general education course
f. Kindergartens (Public or private)
g. Hospitals, nursing homes, doctor and dental clinics, etc.
h. Accessory structures and uses pertinent to the principal structure and use.

2. Lot Area

a. One family: Minimum of 6,000 square feet for first unit
b. Two-family: Minimum of 8,000 square feet

3. Yard Requirements

a. Front yard: 25 feet from property line or 50 feet from center line of existing right-of-way, which ever is greater.
b. Side yard: Minimum of 7½ feet from each property line. EXCEPTION: One open attached car port may be constructed to within 5 feet of one side yard boundary.

c. Rear Yard: Minimum of 20 feet from property line or center of alley, whichever is greater.

4. Width

Minimum width of a lot at the front yard or building line shall be 60 feet for one-family dwelling or 75 feet for two-family dwellings.

5. Height

Maximum height of a structure shall be two stories and not to exceed 35 feet.

6. On-lot Parking Space

One-family and two-family: Two on-lot parking spaces shall be provided for each family unit.

7. Places of Public Assembly

a. Height

Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or offices.

b. Yard Requirements

Minimum of 25 feet from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.

c. On Lot Parking

See Minimum Parking Space Requirements.

SECTION 3. R-3 Multi-Family Residential

1. Permitted Uses

a. One-family dwellings
b. Two-family dwellings
c. Multi-family dwellings
d. Churches
e. Parks, playgrounds, etc.
f. Schools offering a general education course
g. Kindergartens (Public or private)
h. Hospitals, nursing homes, doctor's and dental clinic
i. Accessory structures and uses pertinent to the principal structure and use.

2. Lot Area

a. One-family: Minimum of 5,500 square feet for first unit
b. Two-family: Minimum of 7,000 square feet
c. Multi-family - efficiency, or 1 bedroom units: 7,000 square feet for the first two family unit plus 1,000 square feet for each additional unit.
d. Multi-family - more than 1 bedroom units: 7,000 square feet for the first two family units plus 1,500 square feet for each additional unit.

3. Yard Requirements

a. Front yard: 25 feet from property line or 50 feet from center line of existing right-of-way, whichever is greater.
b. Side yard: Minimum of 7½ feet from each property line.
c. Side yard Street: Same as front yard.
d. Rear yard:
(1) One-family dwellings: Minimum of 20 feet from property line or center of alley where one exists, whichever is greater.
(2) Two-family dwellings: Minimum of 20 feet from property line or center of alley where one exists, whichever is greater.
(3) Multi-family dwellings: Minimum of 7½ feet from property line or 10 feet from center of alley where one exists, whichever is greater.

In no case may a dwelling structure cover more than 60% of an area.

4. Width

Minimum width of a lot at the front yard line or building line shall be 50 feet for one-family dwelling, 60 feet for two family dwelling, and 70 feet for three family dwelling.

5. Height

Maximum height of a structure shall be two stories and not to exceed 35 feet.

6. On-Lot Parking Space

a. One-family and two-family: Two on-lot parking spaces shall be provided for each family unit.
b. Multi-family: See Minimum Parking Space Requirement.

7. Places of Public Assembly

a. Height
Maximum height shall be two stories and not to exceed 35 feet for that portion of the structure used for assembly or office.
b. Yard Requirements
Minimum of 25 feet from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center of street, whichever is greater.
c. On-lot Parking
See Minimum Parking Requirements.

H. On page 3-5, under D. Parking Requirements, delete everything and substitute, "See Minimum Parking Space Requirements" and also change SECTION 3 to "SECTION 5"; on page 3-6, under D. Off-street Parking, delete everything and substitute, "See Minimum Parking Space Requirements", and change SECTION 4 to "SECTION 6"; on Page 3-7 change SECTION 5 to "SECTION 7"; on Page 3-8 change SECTION 6 to "SECTION 8".

I. On Page 4-2, after SECTION 5, add

"SECTION 6. Visual Clearance Requirements.

No lot facing an intersecting street shall be occupied by hedges, tall plantings, fences or structures which will obstruct vision for drivers of automobiles and similar modes of transportation. Such plants or structures shall not be permitted within fifteen (15) feet of an intersecting street corner."

"SECTION 7. Minimum Parking Space Requirements."

"Listed below are uses which are included in this zoning ordinance. Each use has a specific parking standard which shall be met. In certain cases where a use has no specific standard determined in advance by these regulations, the Building Official shall make a determination of need after review of the site plan.

| USE | SPACE REQUIRED |
|---|---|
| DWELLINGS AND LODGINGS | |
| 1. Single-family and two-family dwellings | 2 spaces per living unit |
| 2. Multi-family dwellings | |
| One bedroom units | 1½ spaces per living unit |
| Two or more bedroom units | 2 spaces per living unit |
| 3. Group Residential (boarding and rooming houses, dormitories, fraternities, sororities) | 1 space per 2 occupants at maximum building capacity |
| 4. Mobile Home Parks and Subdivisions | 2 spaces per unit or lot |
| 5. Hotel or Motels | 1 space per room + required spaces for restaurant and other commercial facilities + 1 space per 3 employees |
| 6. Multi-family Housing for Elderly (housing, where more than 90% of all units are occupied by persons 60 years of age or older) | One-half (½) space per dwelling unit with one bedroom; one (1) space per dwelling unit with more than one bedroom |
| SERVICES | |
| 1. Amusement or Entertainment Establishment | 1 per each 4 patrons (maximum capacity) |
| 2. Automobile Service Stations | 1 per service bay and 1 per each employee |
| 3. Banks or Savings & Loan | 1 per 150 sq.ft. C.S.A. plus minimum of 5 queuing spaces per drive-through window + 1 per 3 employees |
| 4. Barber shop | 1½ spaces per chair plus 1 per each 2 employees |

Deleted

See Minutes 8-4-87

| | USE | SPACE REQUIRED |
|---|---|---|
| 5. | Beauty Parlor | 2 per operator station + 1 per each 2 employees |
| 6. | Bowling Alley | 5 spaces per lane + required spaces for other affiliated uses |
| 7. | Churches (Expansion and/or construction of Main Sanctuary) | 1 space per 4 seats in Main Sanctuary |
| | (Expansion and construction of Assessory Structures) | 1 space per 7 seats in Main Sanctuary |
| 8. | Clubs or Lodges (private, nonprofit) | 1 space per 50 sq.ft. of assembly area (M.S.C.) |
| 9. | Funeral Home and Mortuaries | 1 space for 3 seats in Chapel + 2 spaces per each viewing room |
| 10. | Hospital and Sanitariums | 1 space per 2 beds + 1 per hospital staff and doctors and 1 per each 3 employees at maximum shift |
| 11. | Nursing, Convalescent or Rest Home | 1 per 4 beds + 1 per each 2 employees at a maximum shift |
| 12. | Medical or Dental Clinics or Office | 6 spaces per physician or dentist |
| 13. | Offices (Business, or Professional) | 1 per 250 sq.ft. G.F.A. |
| 14. | Schools (New Classroom Facilities) Nursery School, Day Care Center or Elementary School, Junior High School (K through 9th grade) | 1 per employee + 1 per 20 students + 5 queuing spaces |
| | Senior High School (10th thru 12th) | 1 per employee + 1 per each 5 students at M.S.C. |
| | College, University, Trade or Vocational School | 1 per employee +1 per each 3 students M.S.C. |
| | (In addition to parking required for new construction, schools will be required to provide at the time of expansion parking spaces at a rate of 1 space per 20 students M.S.C. and 1 space per employee based on existing facilities.) | |
| 15. | Self-service Laundries, Dry Cleaning | 1 space per 2 machines |
| 16. | Theaters, Auditoriums | 1 space per 4 seats at M.S.C. |
| 17. | Golf Driving Range | 1 space per driving station |
| 18. | Miniature Golf | 1 space per 2 holes + parking for other associated activities |

| USE | SPACE REQUIRED |
|---|---|
| RETAIL TRADE | |
| 1. Department & Variety Stores | 1 space per 200 sq.ft.C.S.A. |
| 2. Grocery Stores and Market | 6 +1 per 200 sq.ft. C.S.A. over 1,000 sq. ft. |
| 3. Furniture Store, Automobile Sales | 1 per 500 sq.ft. C.S.A. + 1 per employee |
| 4. Radio and T.V. Sales and/or Repair | 1 per 200 sq.ft. C.S.A. |
| 5. Restaurants (drive-in & drive-up fast food) | 1 per 100 sq.ft. C.S.A. + 1 per 3 employees + 5 queuing spaces per drive-up window |
| 6. Restaurants (not drive-in or drive-up) | 1 per 3 seats at M.S.C. + 1 per employee |
| 7. Specialty Shops (camera, gifts, jewelry, etc.) | 4 + 1 per 200 sq.ft. C.S.A. over 500 sq. ft. |
| 8. Wholesale Establishments | 4 + 1 per employee |

NOTE: Size of parking space to be determined by the building inspector or Planning Commission.

C.S.A. = Customer Service Area

G.F.A. = Gross Floor Area

M.S.C. = Maximum Seating Capacity

G.L.A. = Gross Leaseable Area "

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

SECTION 3. If any section, clause, provision or part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such section, clause, provision or part shall be deemed severable and separable, and the remainder of this ordinance shall be and remain in full force and effect.

SECTION 4. Because of the urgent need for more than one classification of residential zoning, visual clearance requirements, and on-lot parking requirements, this ordinance being necessary for the preservation of the public peace, health, comfort, convenience,

morals, safety, and welfare of the City of Mulberry, an emergency is declared to exist and this ordinance shall be in full force from the date of its passage and approval.

PASSED AND APPROVED THIS 4TH DAY OF AUGUST, 1987.

APPROVED:

Arnold D. Feller

Arnold D. Feller, Mayor

ATTEST:

Joe Benham

Joe Benham, Recorder-Treasurer