

ITEM NO.: 22 Zoning Ordinance Amendment for R-4 Zoning

Sec. 36-256. R-4 two-family district.

- (a) *Purpose and intent.* Two-family dwellings are an established development type in the city. Such areas are deserving of protection in the form of reasonable standards which will maintain and encourage ~~duplex two-family lot~~ development at appropriate locations. The purpose of the R-4 district is two-fold: To provide areas for the development of two-family ~~dwellings and lots residential structures~~ in spacious surroundings, and to facilitate the conversion of one-family residences to two-family use in established developed areas. This section applies to such district. It is the intent of this chapter that the R-4 district be located in both developed and undeveloped areas of the city where an environment suitable for moderate-density residential ~~use~~ can be provided and in established medium-density residential areas where conversions may facilitate their continuation as desirable residential areas. Within the R-4 district, all buildings, structures or uses having commercial characteristics shall be excluded, whether operated for profit or otherwise. Accessory uses, conditional uses and home occupations specifically provided for in this chapter, however, shall be allowed provided they do not have objectionable characteristics and provided further that they otherwise conform to the provisions of this chapter.
- (b) *Use regulations.*
- (1) *Permitted uses.* Permitted uses are single-family and two-family residences and lots. Two-family dwellings shall be attached by wall, roof and/or foundation; however, subject to the area regulations and siting standards in 36-256(d)(7) two single-family detached dwellings may be constructed as a two-family lot on a single lot or lot of record.
 - (2) *Other uses.* Accessory, home occupation, temporary, special and conditional uses allowed within the R-4 two-family district shall be the same as those in the R-1, R-2 and R-3 single-family districts except that day camps, day nursery, accessory dwellings, day care centers, adult day care centers, and manufactured homes may be allowed as conditional uses in R-4 as specifically approved by the planning commission.
- (d) *Area regulations.*
- (1) *Front yard.* There shall be a front yard setback having a depth of the lesser of not less than twenty-five (25) fifteen (15) feet from the front property boundary; or the average setback of the nearest structures on each side if either of those structures have a setback on the same block facing the same street of twenty-five (25) or fewer feet.
 - (2) *Side yard.* There shall be a side yard on each side of the building including overhangs having a width of not less than ten (10) percent of the average width of the lot, not to exceed five (5) feet measured from the side boundaries of the property. ~~No Building overhangs, including but not limited to, sills, cornices, ornamental projections or eaves, shall may extend into the required side yard setback unless the construction documents submitted to the Planning Department for the purpose of obtaining a building permit contain a storm water drainage plan provided that all stormwater runoff is collected or diverted in a manner that does not create a hazard or detriment to adjacent property. No building overhang or building feature may extend beyond the property boundary.~~
 - (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty-five (25) feet from the rear property boundary; except on lots that do not conform to the lot area regulations of (d)(4) and having a depth of less than one hundred (100) feet, there shall be a rear yard depth of not less than ten percent (10%) of the depth of the lot. ~~Overhangs are included in any setback restriction. No Building overhangs, including, but not limited to, sills, cornices, ornamental projections or eaves, shall may extend into the required rear yard setback unless the construction documents submitted to the Planning Department for the purpose of obtaining a building permit contain a storm water drainage plan provided that all stormwater runoff is sufficiently collected or diverted in a manner so that it does not create a hazard or~~

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detriment to adjacent property. No building overhand or building feature may extend beyond the property boundary.

- (4) Lot area regulations. There shall be a lot area of not less than seven thousand (7,000) square feet. In addition, there shall be a lot width of not less than seventy (70) feet and a lot depth of not less than one hundred (100) feet.

(5) Other area regulations and siting standards.

(5)a. The following minimum siting standards shall apply to all instances of placement of a manufactured home in the R-4 two-family district by conditional use permit:

a-1. A pitched roof of three (3) in twelve (12) or fourteen (14) degrees or greater.

b-2. Removal of all transport elements.

c-3. Permanent foundation.

d-4. Exterior wall finished so as to be compatible with the neighborhood.

e-5. Orientation compatible with placement of adjacent structures.

f-6. Underpinning with permanent materials.

g-7. All homes shall be multisectional.

h-8. Off-street parking per single-family dwelling standard.

b. All dwellings on two-family lots, including two-family dwellings, shall be constructed with separate, applicable utility connections unless it is expressly acknowledged by the lot owner and contractor to whom the construction permit is issued that an application for lot split shall be rejected by the director of planning and development, and will not be considered by the Board of Directors, unless 1) the utilities serving the dwellings are reconstructed to provide for distinct utility service to each dwelling or 2) the property is replatted as a horizontal property regime, pursuant to the Horizontal Property Act [Ark. Code Ann. 18-13-101 et seq.].

c. Any storm-water drainage plan submitted pursuant to this District code shall provide sufficient information to enable the Planning Department to identify 1) the general direction of anticipated water flow, 2) the methods to be employed in capturing or directing the flow of storm-water, including, not limited to, the use of gutters, buried drainpipes or rain swales, and 3) any other information necessary for the understanding of the general storm-water drainage concept on or for the benefit of the subject property to be employed for the mitigation and avoidance of injury to surrounding properties. ~~The storm-water drainage plan provided for herein is not governed by Chapter 29 of this Code.~~

- (6) Accessory structures and additions. Accessory structures or principal building additions of conventional on-site construction are permitted by right.

(7) Area Regulations and siting standards for two (2) single-family dwellings on one (1) lot. The following minimum siting standards shall apply to all instances of construction or placement of two single-family dwelling units constructed on one (1) lot in the R-4 two-family district:

a. On corner lots:

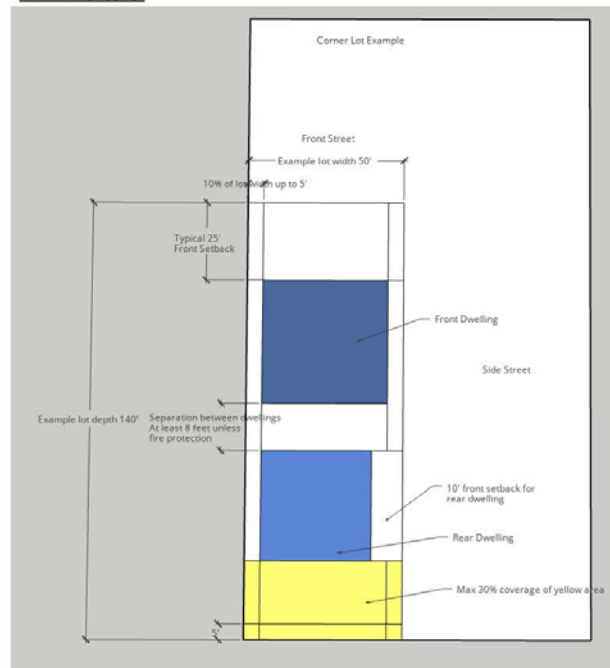
i. Each dwelling shall front on a different street.

ii. The front dwelling shall abide by front yard area regulations in 36-256(d)(1), and side yard area regulations in 36-256(d)(2). The separation between the front dwelling and the rear dwelling shall be not less than eight (8) feet unless appropriate fire protection standards are

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adequately depicted in construction documents and constructed to meet the standards set out in the appropriate building code.

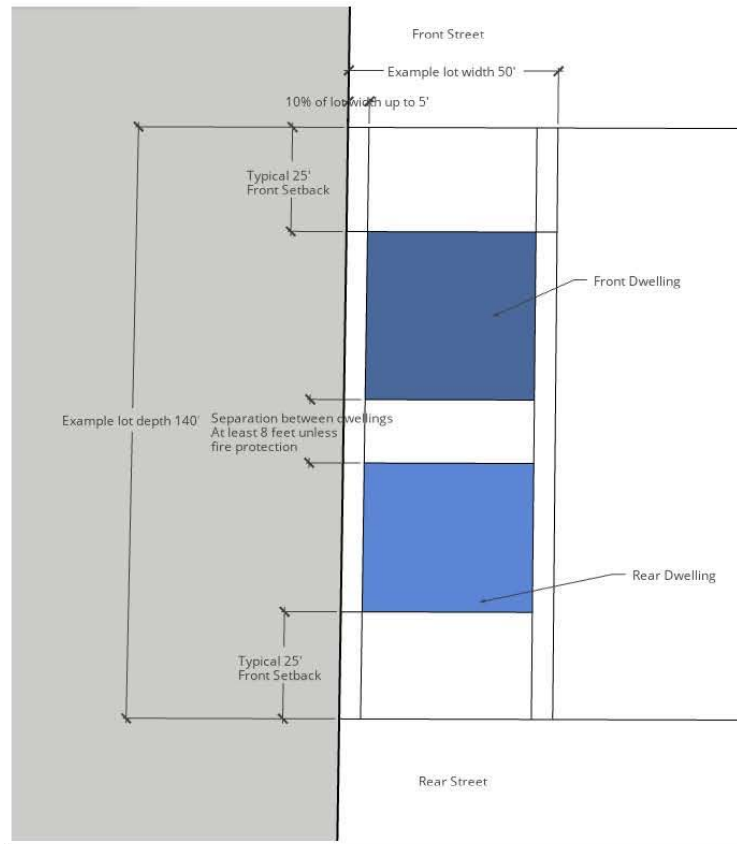
- iii. The rear dwelling shall have a front yard setback with a depth of the lesser of the side yard setback of the front dwelling, or ten (10) feet from the property boundary nearest the front of the rear dwelling. The rear dwelling shall have a setback of not less than five (5) feet from the rear of the structure to the property boundary behind the rear dwelling. The side of the rear dwelling nearest the rear property boundary shall have a setback of at least five (5) feet. The rear dwelling may not occupy more than thirty (30) percent of the rear yard area required by 36-156(d)(3).



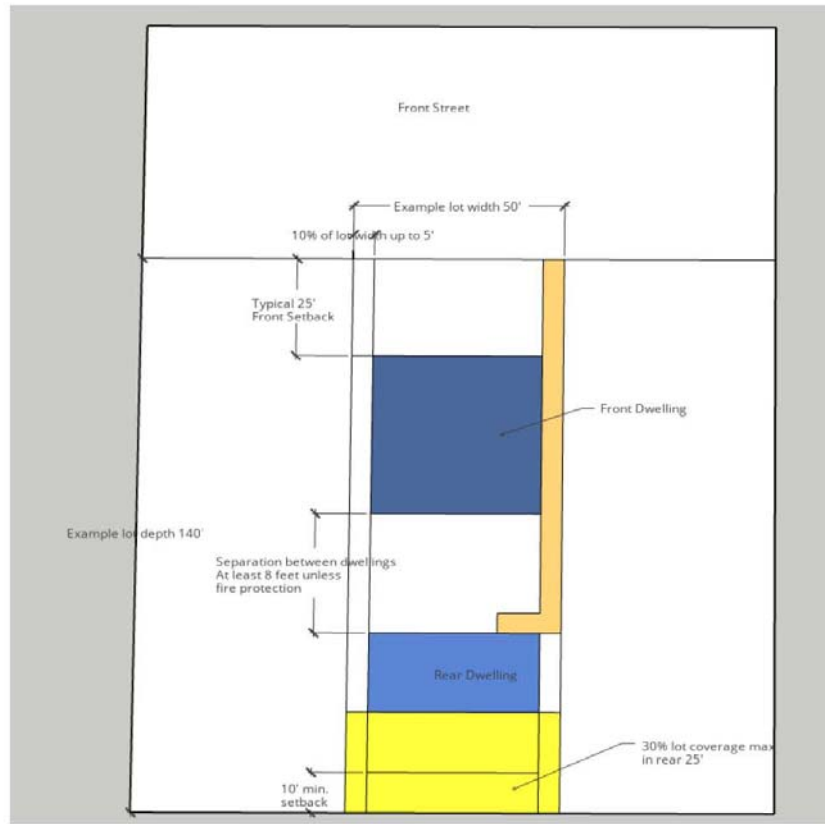
b. On double frontage lots:

- i. Each dwelling shall front on a different street.
- ii. Both dwellings shall be treated as having front yards, and shall abide by front yard area regulations in 36-256(d)(1), and side yard area regulations in 36-256(d)(2). The separation between the dwelling units shall be not less than eight (8) feet unless appropriate fire protection standards are adequately depicted in construction documents and constructed to meet the standards set out in the applicable building code.

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- c. On lots that are neither corner lots or double frontage lots:
- i. The front dwelling shall abide by front yard area regulations in 36-256(d)(1), and side yard area regulations in 36-256(d)(2). The separation between the front dwelling and the rear dwelling shall be not less than eight (8) feet unless appropriate fire protection standards are adequately depicted in construction documents and constructed to meet the standards set out in the appropriate building code.
 - ii. The rear dwelling resident shall be provided adequate, improved access from the street right of way or parking area by a gravel or paved path.
 - iii. The rear dwelling may be constructed as a dwelling unit over a garage serving either dwelling, or as a stand-alone dwelling.
 - iv. The rear dwelling may not occupy more than thirty (30) percent of the rear yard area required by 36-156(d)(3). The rear dwelling shall maintain at least a ten (10) foot setback from the rear yard property line.



~~d. All dwellings on two family lots, including two family dwellings, shall be constructed with separate, applicable utility connections unless it is expressly acknowledged by the lot owner and contractor to whom the construction permit issued that an application for lot split shall be rejected by the director of planning and development, and will not be considered by the Board of Directors, unless the utilities serving the dwellings are reconstructed to provide for distinct utility service to each dwelling or the property is replatted as a horizontal property regime, pursuant to the Horizontal Property Act [Ark. Code Ann. 18-13-101 et seq.].~~

June 8, 2023

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