

ORDINANCE NO. 4982

AN ORDINANCE AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 114-56 and 114-57 of the Code of Ordinances of the City of Springdale, Arkansas, provide for the parking and storing of motor vehicles on residentially zoned property in the City of Springdale;

WHEREAS, Chapter 114-56 needs to be revised to clarify how and where motor vehicles may be parked on residential property in the City of Springdale;

WHEREAS, Chapter 114-57 needs to be revised to clarify the definition of a paved surface;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, that Sections 114-56 and 114-57 of the Code of Ordinances of the City of Springdale, Arkansas, be amended to clarify these parking and paving requirements.

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

Section 1: Section 114-56 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 114-56. – Parking restrictions in residential zoned districts.

- (a) *Commercial vehicle.* No commercial vehicle (as defined in section 114-57) shall be parked or stored in any residentially zoned district of the city, or in any platted subdivision zoned agricultural on lots less than one acre in size, as shown on the official zoning map, and shall not be parked or stored in the street right-of-way.
- (b) *Parking any motor vehicle on unpaved area prohibited.* Subject to section 114-58, no parking, displaying, or storing of any motor vehicle shall be permitted on any grass surface, gravel surface, or other unpaved area in any residential zone, or in any platted subdivision zoned agricultural on lots less than one (1) acre in size, except that:
 - 1. ~~One designated~~ parking space may be located on the grass in a required front set back adjacent to and parallel to the current driveway located on the property. The size of such ~~designated~~ parking space shall not exceed 9' × 19'. Access to such ~~designated~~ parking space shall be by way of the property's driveway, not by driving over the curb, and shall be located on the opposite side of the driveway from the primary entrance to the residential structure, If the ~~designated~~ parking space is not maintained with adequate grasses ~~or other plants and/or landscaping materials~~ to keep the area from becoming rutted, muddy and/or soil from being blown or washed away ~~and is identified as a violation of this provision~~, such ~~designated~~ parking area shall be paved by the property owner by obtaining an Expanded Parking Permit in accordance with chapter 130, article 7;
An Expanded Parking Permit may be obtained to expand an existing driveway. The expansion must be in a required front set back adjacent to and parallel to the current driveway located on the property, where geographic conditions are favorable. The expansion shall be located on the opposite side of the driveway from the primary entrance to the residential structure, unless not

~~feasible due to a natural obstruction or due to location of the property line, and shall be constructed in accordance with the City of Springdale "Residential Driveway Detail".~~ Provided, however, that the maximum allowed paved surface area shall not exceed forty percent (40%) of the total area of the front yard. The Expanded Parking Permit shall be obtained from the Springdale Public Works Department by the owner of the property on which the expanded parking is sought, and shall include inspections of the driveway expansion area by the Springdale Public Works Department before and after installation of the expanded parking area. The Expanded Parking Permit shall cost \$10 upon application of the permit in conjunction with a curb cut permit which is also obtained at the Springdale Public Works Department. No curb cut will be required if the expanded parking area can be accessed by way of an existing driveway without driving over the curb. All expanded parking areas shall be concrete, unless the existing driveway is asphalt, in which case the expanded parking area shall consist of asphalt.

- (c) *Storage or parking of motor vehicles.* The storage or parking of motor vehicles in any side yard or rear/back yard of property in any residential zone, or in any platted subdivision zoned agricultural on lots less than one (1) acre in size, ~~shall be limited to areas paved in conformance with chapter 130, article 7, section 4 prohibited, unless the property has a detached garage located in the side or rear yard used for the parking of a motor vehicle.~~
- (d) *Unpaved driveways.* Properties on which an unpaved driveway existed as of the date of the passage of this section would not be required to pave, but would be subject to all other restrictions contained herein. Provided, however, any such driveways would be required to be paved if the use and maintenance of such driveway and parking area lapses for a period of one year or if the use served by such driveway is expanded.
- (e) *Variances.* In instances where strict enforcement of the requirements of subsections (b), (c), and (d) would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of this chapter, the planning commission may grant requests for variances of the requirements of subsections (b) and (c) according to the following guidelines:
 - (1) The planning commission may modify such requirements to the extent deemed just and proper so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public interest.
 - (2) When the applicant can show the property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, the strict application of such provisions would prohibit or unreasonably restrict the use of the property, and the planning commission is satisfied that the granting of a variance would alleviate a clear hardship, as distinguished from a special privilege or convenience sought by the applicant, such variance may be granted; provided that all variances shall be in harmony with the intended purpose of this chapter.
 - (3) Bill of assurances or performance bond. A bill of assurance to the city may be required from the property owner prior to any variance being granted, which shall run with the land and shall set a fixed period of time in which the varied requirement must be provided by the property owner.

- (4) Any party aggrieved by the decision of the planning commission in granting or denying a variance may appeal the decision to the city council within 30 days of the planning commission's decision by giving notice thereof to the city clerk.
- (f) *Exception.* The prohibitions set out herein do not apply to the following:
 - (1) Commercial vehicles or construction equipment during the actual performance of a temporary service on the property where it is parked.
 - (2) A vehicle making a bona fide pickup or delivery of property or merchandise.
 - (3) Emergency vehicles.

Section 2: Section 114-57 of the Code of Ordinances of the City of Springdale is hereby amended to read as follows:

Sec. 114-57. – Parking and storage of certain vehicles.

- (a) In residentially zoned areas of the city, as shown on the official zoning map, it shall be unlawful to park or leave a boat, recreational vehicle, utility trailer, or trailer or any kind, on any residential lot, except as specifically provided below:
 - (1) A recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer may be parked or left in the rear yard, not closer than eight feet to the rear lot line or in a side yard not projecting beyond the front roof line.
 - (2) No recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer may be parked in the front yard between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street), unless it is parked or left on a garage driveway or other paved surface area which is immediately adjacent to and an expansion of the garage driveway. Further, no recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer shall be parked closer than ten feet to the paved edge of any street.
 - (3) The total number of recreational vehicles, all-terrain vehicles, boats, trailers, or utility trailers (other than passenger vehicles) which may be parked, as permitted in subsection (1) or (2) above, shall be limited to two, not including those kept in a garage. Further, only one recreational vehicle, boat, trailer, or utility trailer may be parked or stored between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street).
 - (4) A recreational vehicle, all-terrain vehicle, boat, trailer, or utility trailer shall not be parked or stored where such parking or storage shall constitute a clear and demonstrable vehicular traffic hazard, or be a threat to public health or safety.
 - (5) It shall be unlawful to park a recreational vehicle, all-terrain vehicle, boat, utility trailer, or trailer of any kind, upon a public street, except when it is actually being loaded, readied for use, or unloaded, but in no event longer than 24 hours.
 - (6) It shall be unlawful to use a recreational vehicle or trailer, which otherwise complies with the provisions above, for temporary on premises dwelling purposes for more than seven days total in any continuous 12-month period.
 - (7) The parking of a recreational vehicle, boat, trailer, or utility trailer as described in subsection (2) above shall effect a violation of this section if it results in the parking of other vehicles upon a public street.
 - (8) A trailer, or utility trailer shall not be used to park or store any inoperative or unlicensed vehicle, as defined in chapter 42.

- (9) A trailer, or utility trailer shall not be used to park or store any unsightly or unsanitary condition, as defined in chapter 42.
 - (10) A trailer, or utility trailer shall not be used to park or store any materials, supplies, equipment, or property used in connection with the conducting of a business not located on the property.
- (b) For purposes of sections 114-56, 114-57, and 114-58 the following definitions shall apply:

All-terrain vehicle shall mean every three-wheeled, four-wheeled, or six-wheeled vehicle 75 inches or less in width, equipped with low pressure tires designed primarily for off-road recreational use, and having an engine displacement of no more than 1,000 cubic centimeters. The term "all-terrain vehicle" shall not include any golf cart, riding lawnmower, or lawn or garden tractor.

Boat shall mean all types of watercraft, whether registered, unregistered, licensed or unlicensed. The term boat shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

Commercial vehicle means a vehicle that has any of the following characteristics: (1) has a gross vehicle weight, gross vehicle weight rating, gross combination weight, or gross combination weight rating of 20,001 pounds or more or (2) backhoes, bulldozers or other wheeled or tracked vehicles used in construction or (3) regardless of weight, is used in the transportation of waste or hazardous or noxious materials such as but not limited to a garbage truck, pump-out truck, chemical truck, gasoline truck or fuel oil truck, or (4) a "box truck", which includes any truck with a cuboid-shaped fully enclosed cargo area. However, commercial vehicle does not include a recreational vehicle as defined herein.

Front yard area shall mean the area between the plane of the front elevation of the main portion of a dwelling unit extending to the side property lines and the front property line abutting the street, including the driveway.

Motor vehicle means a self-propelled device that is required under the laws of the State of Arkansas to be licensed in order to be operated upon the public roadways, but does not include recreational vehicles as defined herein.

Park, when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of or actually engaged in loading or unloading.

Paved shall mean a surface paved or covered with a constructed surface of concrete in accordance with the standards contained in the City of Springdale "Residential Driveway Detail" and "Curb and Gutter" standards, ~~asphalt, or similar materials, but excluding debris, to establish a permanent surface for the parking storage, or placement of any boat, recreational vehicle, or utility trailer.~~

Recreational vehicle shall mean any unit primarily designed as a living quarters for recreation, camping, or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes, or recreational vans or is permanently mounted on a vehicle such as a truck camper or pickup camper.

Residential lot shall mean a parcel of land located in a residentially zoned district, as established on the official zoning map, of at least sufficient size to meet minimum requirements of the district in which it is located. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot of record.

- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (4) A parcel of land described by metes and bounds.

Store shall mean to place for the purpose of preserving, protecting and securing it for a period in excess of 24 hours.

Trailer shall mean, but is not limited to, any vehicle designed or utilized for the transportation of a boat, automobile, snowmobile, livestock, cargo or similar items or as living quarters for recreation, camping or travel use as in the case of a travel, tent, camp, popup or 5th wheel trailer, which does not have motive power of its own, but is designed to be drawn by vehicle.

Utility trailer shall mean a vehicular structure or device with or without its own motive power, licensed or unlicensed, designed and/or used for the transportation of goods or materials.

Section 3: All other provisions of Chapter 114 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

Section 4: Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 24th day of November, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney