

ORDINANCE AMENDING ORDINANCE 57, GOSNELL  
ZONING REGULATIONS, TO PROVIDE FOR FLEXIBLE  
DESIGN WITHIN R-2 ZONES.

WHEREAS, a public hearing has been held by the Gosnell Planning Commission to consider the addition to the zoning regulations so as to provide certain designs and construction within R-2 Zone; and

WHEREAS, in light of the recommendation of the Planning Commission, it is determined desirable to make the following addition to the zoning regulations:

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

SECTION 1. That Ordinance 57 shall be amended so as to add the following Section.

Section 5-7  
FLEXIBLE DESIGN AND SITE PLAN REVIEW

The purpose of this Section of the Zoning Ordinance is to permit owner/developers flexibility in design and layout of proposed lots, groups of lots, or large tract development. As such, it has been prepared to encourage a variety of newer types of residential design, such as condominiums, townhouses, attached housing, cluster design, and zero lot line.

Within any R-2 zoning district, an owner/developer may undertake a residential development, subject to the qualifications and conditions herein, that varies from the normally established requirements pertaining to lot size, yards, and setbacks in that zone.

Design Criteria

In designing a proposed flexible design development plan, the owner/developer shall observe the following standards and criteria; and the Planning Commission shall be cognizant of these in reviewing the proposal:

1. There shall be not less than 750 square feet of unobstructed open space for every dwelling unit shown on the plot plan. The required open space may be concentrated in a portion of the site or may be spread throughout the site. Not more than one-half (1/2) of the required unobstructed open space may be devoted to the required off-street parking space.
2. Where zero lot line setbacks are proposed along the side yards of interior lots for detached dwellings, the site plan and proposed layout must show a uniform separation between the proposed residential structures. *NOT Less Than 10 ft.*
3. Zero side yard setback on interior lots is universally allowed in developments of attached dwellings, although there may not be more than four (4) attached dwellings in a single building.

4. *There shall be no common use of water, sewer, or utility lines or services. The underground service or utility shall not cross adjacent property lines.*

## Procedure

The Planning Commission shall review and specifically approve all flexible design projects before building permits may be issued. The following procedures for Application, public hearing, submission, review, and Planning Commission action shall apply to any proposals submitted under the provisions of this Section:

1. The owner/applicant/developer shall submit a written Application to the City on a form as might be required. The applicant shall include in the Application a map or drawings showing the location of the proposed site or lots, dimensions, proposed setbacks from property lines, the location of proposed residential and accessory structures and/or building setback lines, a graphic presentation of proposed improvements including screening, landscaping, parking, access; and the existing land uses within two hundred (200) feet of all perimeter boundary lines.
2. If required by the Planning Commission, a notice of a public hearing shall be as prescribed for rezoning notices, but such requirement for notice shall be within the discretion of the Planning Commission. Any meeting, whether it be public or otherwise, shall be conducted by the Planning Commission to review the flexible design proposal.
3. Written notification shall be given surrounding property owners and upon evidence of approval from all of such property owners, no public notice is necessary with regard to the flexible design proposal.
4. The owner/applicant/developer shall pay an Application fee to the City at the time of the Application, and none of this fee is returnable under any circumstances. The amount shall be the same as provided in rezoning applications.
5. After conducting a hearing, the Planning Commission may approve or deny the flexible design proposal. If the Planning Commission approves it, the owner/applicant/developer may proceed with securing building permits under applicable ordinances of the City. If the Planning Commission should deny the flexible design proposal, the owner/applicant/developer's option is to appeal the Planning Commission's decision to the City Council.
6. In cases where the flexible design proposal also requires a rezoning of the owner/applicant/developer's property from its existing zoning classification to an R-2 Residential classification, all of the requirements of this Ordinance providing for rezoning shall be satisfied including the adoption of an Ordinance of the City.

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

This Ordinance being necessary for the peace, health and safety of the citizens of the City of Gosnell, Arkansas, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 11th day of January, 1983.

APPROVED:

Carl B. Schuster  
MAYOR

ATTEST:

Jamice Gray  
CITY CLERK