

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PORTIONS OF SECTION 14 OF THE
CITY OF GENTRY MUNICIPAL CODE REGARDING ACCESSORY
STRUCTURES AND PORTABLE BUILDINGS; DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.**

WHEREAS, it has come to the attention of the City of Gentry that there is a need to amend portions of Section 14. of the City of Gentry Municipal Code regarding accessory structures as is hereinafter set forth.

NOW, therefore, be it ordained by the City Council of the City of Gentry, Arkansas:

SECTION 1. Replacement Section.

14.04.10 Special provisions

A. Nonresidential Accessory Structures in areas zoned R-1; R-2; R-3; R-4; and R-O.

An Accessory Structure is a nonresidential improvement separate and apart from and not structurally connected to the residential structure on a property (a sidewalk, driveway of similar non-erected connection shall not constitute a structural connection). Accordingly, the term “Accessory Structure” for purposes of this Section shall include sheds, barns, buildings, carports, pergolas, gazebos, shops, swimming pools, storm cellars and other buildings or structures. For purposes of this Section the term “Accessory Structure” does not include driveways or sidewalks.

- a. **Placement.** An Accessory Structure may be placed in compliance with the setbacks required by the Zoning Ordinance. Not less than 3’ of clear space shall exist between each Accessory Structure and between any Accessory Structure and the primary residence or primary building on such parcel. The total area of all structures on a parcel (including Accessory Structures) shall not exceed 50% of the total lot area. However, the Board of Adjustment may grant a variance from these restrictions from time to time in such instances as will not be contrary to the public interest and when unnecessary hardship would otherwise result.
- b. **Privacy Fence Construction Requirement.** In the event a parcel is one acre or less in size, and if construction of an Accessory Structure will result in the total area of all structures on the parcel constituting 30% or more of the total parcel area, then the owner shall be required to construct a 6 foot privacy fence around those portions of the parcel situated behind the primary residence (and as approved by the Planning Commission in instances of a corner lot or similar circumstances).

c. **Modified setback requirements for Portable Buildings.** The side yard and rear yard setback requirements are hereby modified with respect to “Portable Buildings” as follows:

i) A “Portable Building” is hereby defined as a building having a floor area of not more than 120 square feet which is not constructed on or attached to a permanent foundation, whether constructed on-site or preassembled; which is not intended for or used as habitable space; and which does not exceed the height of the residence on that lot or 12 feet, whichever is less.

ii) A Portable Building may be situated within five (5) feet of a sideyard or backyard boundary [but may not be situated in front of a line parallel with the front of the residence or other principal structure on such lot], so long as such building does not interfere with any existing utility and on condition that such Portable Building is otherwise in compliance with all applicable building codes and regulations.

SECTION 2. Replacement Provisions for Parts of Zoning Ordinance Chapter 14.04.

14.04.03 – Definitions

RV Park. A parcel of land developed specifically for RV rental spaces on a temporary basis, and consisting of not less than two (2) acres.

Zoning District – Permitted Uses – Residential Zoning Districts

	A-1	R-E	R-1	R-2	R-3	R-4	R-0
RV Park	sp					sp	

Zoning District – Permitted Uses – Commercial Zoning Districts

	C-1	C-2	I
RV Park	sp	sp	sp

Zoning District Table which is part of Section 14.04.06 Districts

Rear Set Back Lines – shall be adjusted as follows:

A-1	Single Family	25
R-1	Single Family	10
R-2	Single Family	7
	S.F. Attached	10^b
	S.F. zero lot	10^a

	Duplex	7
R-3	Single Family	5
	S.F. Mfg'd	5
	S.F. Attached	7^b
	S.F. zero lot^g	7^a
	Duplex	7
	Townhouse	7^e
	Multi-family	10
R-4	M.H. Subdiv.	10
	M.H. Park	10
	Single M.H.	5
R-0	S.F. Attached	5
	Duplex	7
	Townhouse	7

SECTION 3: Emergency. In for the Citizens of the City of Gentry to be able to proceed with various construction projects governed by this Ordinance, an immediate effective date is required. Accordingly, the Counsel finds that this Ordinance being necessary for the immediate protection of the public peace, health and safety of the citizens of Gentry, it shall take effect immediately on its passage and approval.

PASSED AND APPROVED THIS 1st day of August, 2016.

ATTEST:

Kevin Johnston, Mayor

Director of Finance