

CITY OF DYER, ARKANSAS

ORDINANCE NO. 2019-01-28-02

AN ORDINANCE CREATING AN M-2 MIXED USE DISTRICT FOR THE PURPOSES OF ZONING WITHIN THE CITY OF DYER, ARKANSAS; REPEALING CONFLICTING ORDINANCES; DECLARING AN EMERGENCY; AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City Council of the City of Dyer, Arkansas, believes that the long-term planning goals and plan for the growth of the city contemplates commercial and multi-family development in the area of the old downtown and;

WHEREAS, the area between Washington and Main Streets south of the Highway 64 corridor is currently zoned R-1 prohibiting commercial uses and multi-family;

WHEREAS, the City Council of Dyer, Arkansas, believes that a mixed commercial and multi-family residential use district in this area may complement the long term planning goals for the City of Dyer, Arkansas;

WHEREAS, an ordinance has been proposed creating a mixed use zoning district that combines the permissible uses of the existing R-2 and C-2 zoning districts for the area between Washington and Main Streets south of the Highway 64 corridor through Dyer, Arkansas; and

WHEREAS, after careful scrutiny, study, and due diligence, the City Council of Dyer, Arkansas, has determined that it is in the best interests of the city and its citizens to create a mixed-use planning district that permits a combination of residential and commercial uses in the same district.

WHEREAS, a public hearing has been held regarding this matter;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: A zoning district is hereby created call the "M-2 Mixed Use District."

SECTION 2: This M-2 zoning district shall have the following permitted uses:

I. For structures with a primary commercial purpose:

(1)

- a. Retail establishments providing goods and/or services;
- b. Office buildings and compatible uses;
- c. Hotels, motor hotels;
- d. Restaurants;
- e. Processing and Manufacturing that are not a nuisance in respect to noise, odor, dust, vibrations, etc.
- f. Wholesaling and warehousing;

- g. Bulk storage of non-combustible materials;
- h. Automotive service, repair, and storage, provided that wrecked or salvage vehicles are stored inside a building or are enclosed by a solid fence and are not visible to the public from the street or sidewalk.

(2) The maximum height of commercial structures in the M-1 District shall be three stories not to exceed 48 feet.

(3) The following street and yard requirements shall apply to commercial structures in the M-1 District:

- a. Front yard: Minimum of 25 feet from all street property lines or 50 feet from center line of existing right of way, whichever is greater;
- b. Side yard: 15 feet from street property lines or 35-feet from centerline of existing right of way, whichever is greater; and
- c. Rear yard: 20 feet from property line or center of alley if one exists.

(4) The following loading, unloading, and on-lot parking requirements shall apply to commercial structures in the M-1 District:

- a. Loading and unloading facilities shall be provided so as not to block any public way;
- b. On lot parking facilities shall be provided for all employees; and
- c. Provisions shall be made for on lot and customer parking to handle normal anticipated demand.

II. For structures with a primary residential purpose:

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 principals structure and use.

2. Lot Area

- a. One-family: Minimum 7,000 square feet for first unit
- b. Two-family: Minimum 9,000 square feet

3. Yard Requirements

- a. Front yard: 25 feet from property line or 50 feet from center line of existing Right-of-way, whichever is greater.
- b. Side yard: Minimum 7 1/2 feet from each property line. EXCEPTION: One open Attached carport may be constructed to within five feet of one side yard boundary.
- c. Rear yard: Minimum of 20 feet from property line or center of alley where one exists.
- d. Side yard: Minimum of 15 feet from street property line or 35 feet from Street: center Line of existing right-of-way whichever is greater.

4. Width

Minimum width of a lot at the front yard line or building line shall be 60 feet for one-family dwelling and 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: One on-lot parking space 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 center of street, whichever is greater.

c. On-lot Parking

Places of public assembly shall provide one on-lot parking space per each sic persons accommodated in the assembly hall.

SECTION 3: The provisions of any ordinances that conflict with this ordinance are hereby amended or repealed as necessary to effectuate the purposes of this ordinance.

SECTION 4: In the event that a court of competent jurisdiction shall declare any portion of this ordinance invalid or unenforceable, the remaining provisions shall remain in full force and effect.


SECTION 5: This ordinance is deemed important for the immediate protection and preservation of the public peace, health, safety, comfort, convenience, and welfare of the citizens of Dyer, Arkansas, because the creation of this classification will permit the necessary development of the city and will allow currently desirable but non-permitted uses in the proposed mixed use district areas. Therefore an emergency is hereby declared and this ordinance shall be and take effect and be in full force after its passage, approval, and publication.

PASSED AND APPROVED THIS 28th DAY OF JANUARY 2025.

APPROVED:

ATTEST


MAYOR


RECORDER/TREASURER