

ORDINANCE NO. 2015-04-523

**AN ORDINANCE AMENDING CHAPTER 153 OF THE
CITY OF TONTITOWN, ARKANSAS MUNICIPAL CODE.**

WHEREAS, the City of Tontitown, Arkansas, has adopted a municipal code of ordinances; and

WHEREAS, the Tontitown Planning Commission has found that the current Chapter 153 of the Tontitown Municipal Code is in need of certain revisions; and

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has heard all persons desiring to be heard regarding the revision of the Tontitown Municipal Code; and

WHEREAS, after thorough consideration of the comments and views expressed by all interested persons, the Planning Commission has approved and certified the amendments to Chapter 153 for consideration by the Tontitown City Council. A copy of said Chapter 153 is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the city of Tontitown, Arkansas:

Section 1: That Section 153.046(B) (1), titled "*R-E, Residential Estate*," of the Tontitown Municipal Code is amended to include the following permitted uses:

- Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters); and
- Farm animals for show, breeding, raising, and training.

Section 2: That Section 153.046(B) (2), titled "*R-1, Single Family Residential*," of the Tontitown Municipal Code is amended to include the following permitted uses:

- Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters); and
- Farm animals for show, breeding, raising, and training.

Section 3: That Section 153.046(B) (3), titled "*R-2, Duplex and Patio Home Residential*," of the Tontitown Municipal Code is amended to include the following permitted uses:

- Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters); and
- Farm animals for show, breeding, raising, and training (where a maximum of one single family dwelling exists on parcel).

Section 4: That Section 153.046(B) (4), titled "*R-3, Medium Density Residential*," of the Tontitown Municipal Code is amended to include the following permitted uses:

- Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters); and
- Farm animals for show, breeding, raising, and training (where a maximum of one single family dwelling exists on parcel).

Section 5: That Section 153.046(B) (2), titled "*R-1, Single Family Residential*," of the Tontitown Municipal Code is amended to include the following conditional use:

Chicken, hobby (§ 153.100)

Section 6: That Section 153.046(B) (2), titled "*R-1, Single Family Residential*," of the Tontitown Municipal Code is amended to remove the following accessory use:

Chicken, hobby (§ 153.100)

Section 7: That Section 153.046(B) (3), titled "*R-2, Duplex and Patio Home Residential*," of the Tontitown Municipal Code is amended to include the following permitted use:

- Adult day care

Section 8: That Section 153.046(B) (3), titled "*R-2, Duplex and Patio Home Residential*," of the Tontitown Municipal Code is amended to remove the following conditional use:

- Adult day care

Section 9: That Section 153.092, titled "ANIMALS," of the Tontitown Municipal Code is amended as follows:

"Animals and fowls, where permitted in a district, shall be kept only in accordance with this Code. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be

permitted on the premises. In a residential district, no more than four (4) farm, domestic or household animals over the age of four (4) months shall be kept, maintained or harbored. However, in a residential district, the temporary keeping, maintaining, or harboring of more than four (4) such animals may be allowed in cases of rescue, foster care, or temporary sheltering. Said temporary keeping, maintaining, or harboring of more than four (4) animals shall be limited to thirty (30) days.

(A) All Animals kept in residential areas, as allowed by section 153.046 , titled "*Residential Districts*," are intended to be clean, odor free, quiet, non-obtrusive, and healthy additions to a residential area for purposes of enjoyment, education, or training by the property owner, occupants, and visitors. However, grazing areas shall be required to have a suitable fence. A fencing plan shall be submitted if a conditional use application is required by Section 153.046 of this Code. Furthermore, it is required that any and all animals be provided with appropriate shelter and living conditions at all times.


(B) A minimum of one (1) acre of undeveloped land is required to ensure adequate space for animals that require grazing. The number of animals allowed per acre may vary depending on the type of animals, the location and geography of the property, and the water and nutrients available to the animals. Therefore, we recommend owners of grazing animals such as but not limited to equine, cattle, sheep, goats, and fowl follow local extension office recommendations to ensure the health and safety of the animals, the owners, and the neighboring properties."

PASSED AND APPROVED this 7 day of April, 2015.



PAUL COLVIN, JR., Mayor

ATTEST:



ALICIA COLLINS, Recorder-Treasurer

§ 153.046 RESIDENTIAL DISTRICTS.

(A) *General description.* The target goal of the residential districts is to provide sound, safe, economical, and innovative housing solutions for all citizens of the city. Specific goals of residential districts include:

- (1) Provisions of adequate space at appropriate locations necessary to create an appropriate mix of housing alternatives for people of all lifestyles;
- (2) Consideration to site selection and variety of choice;
- (3) Prevention of congestion as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use;
- (4) Control of structure height to provide light and air access through windows; and
- (5) Promotion of desirable land use and development in order to protect district character and to conserve land and building value.

(B) *District purposes and schedule of permitted, conditional, and accessory uses.*

(1) *R-E, Residential Estate.* The R-E District is an extremely low density residential district designed to provide for maximum privacy through the use of open spaces, permit the keeping of animals, specifically approved by the Planning Commission, promote scenic attraction, expand and promote residential alternatives and encourage the development of residential areas most protective of the environment.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters)		
Animal – domestic or household	Adult day care	Animal – farm (§ 153.092)
Chicken, hobby (§ 153.100)	Apiculture (§ 153.093)	Building, accessory – nonresidential (§ 153.090)
Child care – residential (4 children) (§ 153.096(A))	Aquarium	Dwelling – accessory (§ 153.091)
Community garden	Cell towers (§ 153.116)	Solar energy system (§ 153.113)
Dwelling – modular	Cemetery or mausoleum	
Dwelling – single family	Child care – commercial (§ 153.096(C))	
Farm animals for show, breeding, raising, and training		
Fire station	Community center (§ 153.099)	
Greenhouse	Country club	
Library	Educational facility	
Park – mini	Golf course (§ 153.097)	
Park – neighborhood	Group homes for developmentally disabled	
Park – community	Home occupations (§ 153.101)	Wind energy system, small (§ 153.115)

(2) *R-1, Single Family Residential.* The R-1 District serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1

Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters)		
Animal – domestic or household	Adult day care	Animal – farm (§ 153.092)
Child Care – residential (4 children) (§ 153.096 (A))	Apiculture (§ 153.093)	
Community garden	Aquarium	Building, accessory – nonresidential (§ 153.090)
Dwelling – modular	Bed and breakfast	Dwelling – accessory (§ 153.091)
Dwelling – single family	Cell towers (§ 153.116)	Solar energy system (§ 153.113)
Farm animals for show, breeding, raising and training		
Fire station	Cemetery or mausoleum	
	Chicken, hobby (§ 153.100)	
Library	Child care – commercial (§ 153.096 (C))	
Park – mini	Community center (§ 153.099)	
Park – neighborhood	Country club	
Reservoir, wet or dry detention	Educational facility	

(3) *R-2, Duplex and Patio Home Residential*. The R-2 District encourages the basic land use restrictions as the R-1 District. It permits slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity.

(a) Such a district shall encourage and maintain duplex and patio home development at appropriate locations.

(b) The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residence to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the city where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
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Adult day care		
Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters)		
Animal – domestic or household		Building, accessory – nonresidential (§ 153.090)
Child Care – residential (4 children) (§ 153.096(A))	Apiculture (§ 153.093)	Chicken, hobby (§ 153.100)
Community garden	Aquarium	Dwelling – accessory (§ 153.091)
Dwelling – condominium	Cemetery or mausoleum	Solar energy system (§ 153.113)
Dwelling – modular	Child care – commercial (§ 153.096(C))	Wind energy system, small (§ 153.115)
Dwelling – single family	Community center (§ 153.099)	
Dwelling – townhouse or rowhouse	Country club	
Dwelling – two-family	Educational facility	
Farm animals for show, breeding, raising, and training (where a maximum of one single family dwelling exists on parcel)		
Fire station	Golf course (§ 153.097)	
Library	Group homes, developmentally disabled	

(4) *R-3, Medium Density Residential.* The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal boarding kennel or animal shelter (including rescue, foster care, and other similar animal shelters)		
Animal – domestic or household	Adult day care	Building, accessory – nonresidential (§ 153.090)
Child care – residential (4 children) (§ 153.096(A))	Apiculture (§ 153.093)	Dwelling – accessory (§ 153.091)
Community garden	Aquarium	Solar energy system (§ 153.113)
Dwelling – condominium	Cell towers (§ 153.116)	Wind energy system, small (§ 153.115)
Dwelling – modular	Cemetery or mausoleum	
Dwelling – multi-family	Child care – commercial (§ 153.096(C))	
Dwelling – single family	Community center (§ 153.099)	
Dwelling – townhouse or rowhouse	Country club	
Dwelling – two-family	Educational facility	
Farm animals for show, breeding, raising, and training (where a maximum of one single family dwelling exists on parcel)		
Library	Golf course (§ 153.097)	
Park – mini	Home occupation (§ 153.101)	

(5) *R-4, High Density Residential.* The R-4 District is established in order to provide high-density residential development and conversion of existing residential structures. This area could exist in the older sections and newer developed areas of town. Such a district may be developed adjacent to, or in conjunction with neighborhood commercial or shopping center development. Adequate public utilities

and services shall exist prior to or be provided in conjunction with development. Such a district may exist as a buffer zone between single family and non-compatible use districts. Within this district, buildings, structures or uses having commercial characteristics and not planned as a main part of the total development shall be excluded.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal – domestic or household	Adult day care	Building, accessory – nonresidential (§ 153.090)
Child Care – residential (4 children) (§ 153.096(A))	Apiculture (§ 153.093)	Dwelling – accessory (§ 153.091)
Community garden	Aquarium	Solar energy system (§ 153.113)
Dwelling – condominium	Cell towers (§ 153.116)	Wind energy system, small (§ 153.115)
Dwelling – modular	Cemetery or mausoleum	
Dwelling – multi-family	Child care – commercial (§ 153.096(C))	
Dwelling – single family	Community center (§ 153.099)	
Dwelling – townhouse or rowhouse	Country club	
Dwelling – two-family	Educational facility	
Library	Golf course (§ 153.097)	
Park – mini	Home occupation (§ 153.101)	
Residential facility – assisted living	Lodging - Bed and breakfast	
Residential facility – temporary shelter	Museum	
	Public safety services	
	Religious facilities (§ 153.108)	
	Temporary uses	

(6) *R-MH, Manufactured Home Residential*. The R-MH District is established to permit and encourage the development of single family manufactured home subdivisions, manufactured home parks, or placement of manufactured homes on individual lots in a suitable environment..

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal – domestic or household	Adult day care	Dwelling – accessory (§ 153.091)
Child Care – residential (4 children) (§ 153.096(A))	Apiculture (§ 153.093)	
Community garden	Aquarium	
Dwelling – manufactured	Cemetery or mausoleum	
Dwelling – modular	Child care – commercial (§ 153.096(C))	
Dwelling – single family	Community center (§ 153.099)	
Fire station	Country club	
Library	Educational facility	
Manufactured home park	Golf course (§ 153.097)	
Park – community	Group homes for developmentally disabled	
Park – mini	Home occupation (§ 153.101)	
Reservoir, wet or dry detention	Museum	
Residential facility – assisted living	Public safety services	
Solid waste disposal	Religious facilities (§ 153.108)	
Utility facilities		
Water and Wastewater treatment/storage facilities		

(7) *R-ZL, Zero Lot Line Residential.* The R-ZL District is a moderate density residential district designed to permit and encourage the development of a variety of dwelling types including zero lot line units suitable for a low cost per unit development. To be approved, an R-ZL district must be efficient in the use of land and utilities. It should be considered compatible with other residential use and may be used to create a transition from purely residential districts to medium and high-density residential zones.

<i>Permitted Uses</i>	<i>Conditional Uses</i>	<i>Accessory</i>
Animal – domestic or household	Adult day care	Dwelling – accessory (§ 153.091)
Child Care – residential (4 children) (§ 153.096(A))	Apiculture (§ 153.093)	
Community garden	Aquarium	
Dwelling – modular	Cemetery or mausoleum	
Dwelling – single family	Child care – commercial (§ 153.096(C))	
Library	Community center (§ 153.099)	
Park – mini	Country club	
Park – neighborhood	Educational facility	
Residential facility – assisted living	Golf course (§ 153.097)	
	Home occupation (§ 153.101)	
	Museum	
	Public safety services	
	Religious facilities (§ 153.108)	

(C) *Residential bulk and area requirements.*

(1) *Density.*

<i>Zoning District</i>	<i>Maximum Density Permitted</i>
R-E	1 dwelling unit per 2 acres
R-1	1 dwelling units per acre
R-2	4 dwelling units per acre
R-3	8 dwelling units per acre
R-4	16 dwelling units per acre
R-MH	6 dwelling units per acre
R-ZL	9 dwelling units per acre

(2) *Lot and area requirements.*

(a) *Street frontage.* Each lot in R-1 and R-2 zoning districts shall have a minimum street frontage equal 50 feet, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than 35 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining zoning districts shall have a minimum of 35 feet of street frontage.

(b) *Depth.* Each lot, not including the R3 zoning district, shall be a minimum of 100 feet in depth at its shallowest point with the depth measured at right angles or radial to the street right-of-way line.

(c) *Corner lots.* Minimum width for corner lots shall be 75 feet at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 feet at the building line.

(d) *Zero lot line lots.* One side yard setback must be no less than 12 feet, and the other side yard setback must be zero feet. No openings shall be allowed in the wall abutting the zero lot line setbacks. If two dwellings about the same zero lot line, a fire wall, as called for by the Building Code is required.

(e) *Standards.*

<i>Residential Bulk and Area Standards</i>					
<i>District</i>	<i>Structure Type</i>	<i>Lot Area (sq. ft.)</i>	<i>Lot width (ft.)</i>	<i>Max. Coverage</i>	
				<i>Interior Lot</i>	<i>Exterior/ Corner Lot</i>
R-E	Single-family	87,120 (2 acres)	200	10%	10%
R-1	Single-family	43,560	120	40%	45%
R-2	Single-family & duplex	21,780	100	50%	55%
R-3	Single-family & duplex	9,600	80	40%	45%
R-4	All	10,000	100	50%	55%
R-MH	Manufactured home lots	10,000	100	30%	35%
R-ZL	Zero Lot Line	4,000	40	60%	65%

(3) *Minimum setback requirements.*

(a) *Garages.* The minimum front setback for front-loading garages shall be 30 feet from the front property line. The minimum front setback for side- or rear-loading garages shall be 20 feet from the front property line. The minimum garage setbacks apply to attached and detached garages.

(b) *Easements.* Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

(c) *Standards (in feet).*

<i>District</i>	<i>Structure Type</i>	<i>Front</i>	<i>Side</i>		<i>Rear</i>
			<i>Interior</i>	<i>Exterior</i>	
R-E	Single-family	30	30	30	30
R-1	Single-family	20	7	20	25
R-2	All	20	7	20	25
R-3	All	20	10	20	25
R-4	All	20	10	20	25
R-MH	Manufactured home lots	20	10	20	25
	Manufactured home park	25	15	25	25
R-ZL	Zero Lot Line	20	12/0	20	25

(4) *Height requirements.* Standards. The maximum height permitted in all residential districts is 40 feet.

(a) *Guidelines.* New infill structures should be constructed at a height that is compatible to the adjacent structures. If at all possible, the new dwelling should have a height within an acceptable percentage to the Planning Commission to ensure compatible massing, scale and to prevent the overshadowing of the adjacent structure(s).

(b) *Exceptions.* The principal use building or structure may exceed the maximum allowed height when an additional one foot of interior side yard setback is provided for each two feet of additional height. This exception does not apply to zero lot line buildings.

(5) *Maximum building coverage and maximum impervious area (including accessory buildings).*

<i>District</i>	<i>Maximum Building Coverage</i>	<i>Maximum Impervious Area</i>
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R-E	50%	70%
R-1	50%	70%
R-2	50%	70%
R-3	50%	70%
R-4	50%	70%
R-MH	50%	70%
R-ZL	50%	70%

(D) *Residential development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply:

(1) *Replacement of existing single-wide manufactured homes in residential districts.* The replacement of existing single-wide manufactured homes in residential districts may be allowed subject to the granting of a conditional use permit if the following requirements are met:

(a) All notification and other requirements for submission of a conditional use permit request must be met.

(b) In the case of a manufactured home that is destroyed or removed from the lot prior to submission of the conditional use request, the submission must take place within 30 days of destruction or removal of the manufactured home.

(c) All other requirements of this chapter regarding placement of a manufactured home in a manufactured home subdivision, including those noted in the definition of manufactured home, must be met. These include, but are not limited to, placement, setbacks, foundation, enclosure and parking.

(d) All requirements of the zoning district in which the manufactured home is to be replaced must be met. If a conflict exists between the requirements for a manufactured home subdivision and the requirements of the zoning district in which the manufactured home is to be replaced, the stricter requirements shall apply.

(2) *Modular homes.* Modular homes shall meet the current adopted building codes that apply to site built homes. Modular homes shall meet all other regulations for the zoning district in which it is located.

(Ord. 2012-07-393, passed 7-3-12; Am. Ord. 2012-11-401, passed 11-7-12; Am. Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-441, § 153.401.7, passed 9-3-13; Am. Ord. 2014-12-489, passed 12-2-14; Am. Ord. 2015-04-523, passed 4-7-15)