

City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
City Attorney – Harrington-Miller
Public Works Director – James Clark
Code Enforcement Officer – Brett Freeland



Planning Board
Darrell Watts, Chairman
Rocky Clinton, Vice Chairman
Gene McCartney, Secretary
Susan Sedberry, Member
Jim Miller, Member

Board of Zoning Adjustments, Public Hearing Agenda
February 28th, 2017, 7:00 p.m.
Tontitown City Hall, 235 E Henri de Tonti Blvd, Tontitown AR

1. Board of Zoning Adjustments – Public Hearing - Meeting Call to Order
2. Roll Call
3. Approval of Agenda
4. New Business

- a. Variance Request – BCRD, LLC – After Review of Project, meets current setback requirements for this parcel. Does not require public hearing and Variance.

Variance Request: Code 153.047 C-2 Commercial Minimum setback requirements
Project Name: BCRD, LLC Properties location: 1078 Florence Ave

- b. Variance Request – Monty and Tammy Christenberry

Variance Request: Code 153.046 R-1 Single Family Residential Setback Requirements
Property Location: 1893 Pocco Lane

Narrative: To the City of Tontitown Planning Commission,

Our clients, Monty and Tammy Christenberry are requesting a variance on the rear building setback on property they own located at 1893 Pocco Lane in Tontitown. The current rear setback is 35', and they are requesting that it be reduced to 22.5' for the purpose of constructing a swimming pool.

Because of the rectangular shape of their lot and the topography of the land, the Christenberry's septic field is located south of their house and occupies a significant portion of their unused lot, which would not allow any structures or improvements on that side of the house. The front of the house sits close to the existing setback on the front. There are existing trees at the rear of the house that would allow for screening for a pool on that side.

The literal interpretation of this ordinance would not allow our clients the right to construct a pool on their property, a right enjoyed by other property owners in this neighborhood. A majority of the houses in this neighborhood with a pool have it installed at the rear of the property.

The location of the septic field, as well as the shape of the lot dictates the house placement location, so therefore where the house sits now is the only viable location for the house, and the rear of the house would be the best location for a proposed pool.

Please see the attached building setback reduction Exhibit for further information regarding this request, and contact Bates & Associates with any questions or concerns.

See Attachment #1

Comments from Citizens – On Variance Request for Monty and Tammy Christenberry

5. Meeting Adjourned



Vacate Permit

Application & Checklist

Application can be found at www.lontitown.com

FEB 08 2017

FEB 08 2017

PERMIT FEES WILL DOUBLE IF WORK BEGINS BEFORE PERMIT IS APPROVED

Fill out this form completely, supplying all necessary information and documentation to support your request.

| | | | | | |
|-----------------------------|-------------|---------------|----------------------------|--|---|
| Property Information | Address | 1893 POCCO LN | Project Information | Select the property type being vacated: | |
| | Parcel No. | 830-38652-000 | | <input type="checkbox"/> Alley R-O-W | <input type="checkbox"/> Drainage Easement |
| | Subdivision | DAVENSHIRE | | <input type="checkbox"/> Street R-O-W | <input type="checkbox"/> Public Access Easement |
| | | | | <input checked="" type="checkbox"/> Utility Easement | <input type="checkbox"/> Other |

| | | | | |
|-----------------------|-----------------|-------------------------------|--------------------------|---|
| Property Owner | Property Owner | MONTY AND TAMMY CHRISTENBERRY | Office Phone | |
| | Business Name | | Cell Phone | 817-366-4471 |
| | Mailing Address | 1893 POCCO LANE | E-mail | mchristenberry@pssl.co |
| | | SPRINGDALE, AR 72762 | <input type="checkbox"/> | Check here if this is the primary contact |

| | | | | |
|----------------------------------|-----------------|----------------------------|-------------------------------------|---|
| Applicant/ Representative | Representative | JUSTIN REID | Office Phone | 479-442-9350 |
| | Business Name | BATES AND ASSOCIATES, INC | Cell Phone | |
| | Mailing Address | 7230 S. PLEASANT RIDGE DR. | E-mail | justin@batesnwa.com |
| | | FAYETTEVILLE, AR 72704 | <input checked="" type="checkbox"/> | Check here if this is the primary contact |

SUBMITTAL CHECKLIST: (All items must be submitted before the application will be processed)

- ☐ 1. **Fee.** Submit an accurate and complete application and the fee.
- ☐ 2. **Utility Release Forms.** Submit the signed release forms from ALL outside agency utility companies.
- ☐ 3. **Neighbor Notification Forms.** Submit the signed forms of all adjacent property owners (exclude utility easements).
- ☐ 4. **Certified List.** Submit the *certified list* of all adjacent property owners (exclude utility easements).
- ☐ 5. **Vicinity Map.** Submit an exhibit / vicinity map which clearly portrays the easement you are proposing to vacate.
- ☐ 6. **Recorded Plat.** Submit a copy of the recorded plat or copy of the filed document(s) that created the general utility easement, drainage easement, public access easement, street right-of-way or alley you are proposing to vacate.
- ☐ 7. **Legal Description.** Attach an accurate legal description of the area being vacated. (may be found on warranty deed or current survey of property).
- ☐ 8. **Petition to Vacate Form.** Submit an accurate and complete Petition to Vacate Form, which is included in this application.

Applicant/ Representative: I certify that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Signature Justin Reid

Date 2-6-2017

Property Owner/ Authorized Agent: I certify that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf).

Signature Monty Christenberry

Date 2-6-2017

| | | | | |
|-----------------------|-----------------------|---------------------|--|--------------------------------------|
| Staff Use Only | Date Submitted: _____ | Zone _____ | Fee: \$ _____ | Receipt # _____ |
| | CC Meeting Date _____ | Date Approved _____ | <input type="checkbox"/> Cash <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card |

PETITION TO VACATE

which is described as follows:

PETITION TO VACATE AN UTILITY EASEMENT

LOCATED AT 1893 POCCO LANE

CITY OF TONTITOWN, ARKANSAS

TO: The Tontitown City Council

We, the undersigned, being all the owners of the real estate of or adjacent to the UTILITY EASEMENT to be vacated hereinafter sought to be abandoned and vacated, lying in Tontitown, Arkansas, a municipal corporation, petition to vacate an UTILITY EASEMENT which is described as follows:

Legal Description to of area to be vacated: _____

A PORTION OF AN EXISTING UTILITY EASEMENT LOCATED IN A PART OF LOT 8, DAVENSHIRE
SUBDIVISION, TO THE CITY OF TONTITOWN, ARKANSAS, AS SHOWN ON PLAT OF RECORD
IN PLAT BOOK 23 AT PAGE 281, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT
WHICH IS S87°14'31"E 22.49' AND N02°23'29"E 15.00' FROM THE SOUTHWEST CORNER OF SAID LOT 8
AND RUNNING THENCE N02°23'29"E 208.50', THENCE S87°14'31"E 12.50', THENCE S02°23'29"W 208.50',
THENCE N87°14'31"W 12.50', TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES, MORE OR LESS.

That the real estate affected by said abandonment of the UTILITY EASEMENT

located at 1893 POCCO LANE, SPRINGDALE AR 72762

to the City of Tontitown, Arkansas, a certified copy of the original plat located in the Circuit Clerk's Office for the County of Washington, State of Arkansas, is attached hereto, and made part hereof as though set out herein word for word.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described UTILITY EASEMENT

The petitioners recommend that the City of Tontitown, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City of Tontitown, Arkansas, abandon and vacate the above described real estate, subject to said utility easements and as to the particular land the owner be free from the easements of the public for the use of said real property.

Dated this 6 day of February, 2017.

MONTY CHRISTENBERRY

Printed Name

Monty Christenberry

Signature

TAMMY CHRISTENBERRY

Printed Name

Tammy Christenberry

Signature

UTILITY RELEASE FORM

Utility Company

Washington Water Authority

Date

2-1-17

Requested Vacation

Utility Easement

I have been notified of the petition to vacate the following described as follows:

Utility Easement

Legal Description to of area to be vacated:

A PORTION OF AN EXISTING UTILITY EASEMENT LOCATED IN A PART OF LOT 8, DAVENSHIRE SUBDIVISION, TO THE CITY OF TONTITOWN, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23 AT PAGE 281, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°14'31"E 22.49' AND N02°23'29"E 15.00' FROM THE SOUTHWEST CORNER OF SAID LOT 8 AND RUNNING THENCE N02°23'29"E 208.50', THENCE S87°14'31"E 12.50', THENCE S02°23'29"W 208.50', THENCE N87°14'31"W 12.50', TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES, MORE OR LESS.

UTILITY COMPANY COMMENTS (Send release form to the applicant's provided address).

- ☐ No objections to the vacation(s) described above,
- ☐ No objections to the vacation(s) described above, provided the following described easements are retained.
- ☒ Objects to the vacation(s) described above, reason described below.

1) The survey shows a retaining wall and water fountain constructed to the west of existing water main in the easement. With this structure already in existence there will be no room to maintain the water main between the wall/fountain and any concrete/fencing installed around the pool. We need 20' free space to operate a tankless.

Owner may pay for relocation or possible abandonment of existing water main, if it is deemed possible.

JOSH MOORE, General Manager
Printed Name & Title of Utility Company Representative

Signature

City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
City Attorney – Harrington-Miller
Public Works Director – James Clark
Code Enforcement Officer – Brett Freeland



Planning Board
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Rocky Clinton, Vice Chairman
Gene McCartney, Secretary
Susan Sedberry, Member
Jim Miller, Member

**Board of Zoning Adjustments Agenda
February 28th, 2017, 7:00 p.m.
Tontitown City Hall, 235 E Henri de Tonti Blvd, Tontitown AR**

- 1. Board of Zoning Adjustments Meeting Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. New Business**
 - a. Approval of Variance request – Monty and Tammy Christenberry**
- 5. Meeting Adjourned**

City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
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**Planning Board Public Hearing Agenda
February 28th, 2017
7:00 p.m.
Tontitown City Hall
235 E Henri de Tonti Blvd
Tontitown AR**

-
- 1. Planning Board Public Hearing Call to Order**
 - 2. Roll Call**
 - 3. New Business**

a. Conditional Use request for:

Jason Lee Collins
1050 Reed Valley Road
Fayetteville AR 72702

Narrative:

It is my intention to start a small artisan roasterie using the second two car basement garage. Roasting coffee beans has long been a hobby of mine and I hope to use my knowledge and make a little extra income by roasting beans for local coffee shops in the area. I estimate that I will be roasting two days a week for about three hours a day. The bean roaster I will use will not admit any odor that would be intrusive to my neighbors due to the small size of the roaster. I will not put up any signs. I will not have customers at my home. I will not make any structural changes to my home. The activities will be conducted within the confines of my home. I will not be hiring employees. This type of occupation is not listed under appendix C of prohibited home occupations. I will be finishing my second garage to insure it is suitable for coffee roasting. I appreciate your consideration and approval of my home occupation.

Best Regards,
Jason Lee Collins

Comments from Citizens – On Conditional Use Request for Jason Lee Collins

b. Rezone Request – Potts Family Trust – One Twelve LLC

Rezone Request

From : R-3 Medium Density Residential

To: C-1 - Neighborhood Commercial, to include entire parcel less 1+/- acre in the NW corner staying as R-3 (Medium Density Residential) and less 1+/- acre in the SW corner staying R-3 (Medium Density Residential).

See Attachment # 2.1 and 2.2

Comments from Citizens – On Rezone Request for Potts Family Trust/One Twelve LLC

City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
City Attorney – Harrington-Miller
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c. Updates to Chapter 153 – Zoning Regulations

- i. Section 153.007 - Definitions of terms and uses**
- ii. Section 153.041 – Classification of districts**
- iii. Section 153.046 – Residential Districts**

See Attachment # 3

Comments from Citizens – On Updates to Chapter 153.007 – 153.041 – 153.046

4. Meeting Adjourned

January 25, 2017

TO: Tontitown Planning Department:

RE: Potts Family LLC Property

8.62 Acres on the West side of Highway 112, West of Har-Ber Avenue

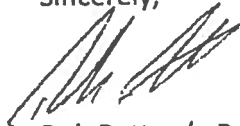
On December 27, 2016, we requested the rezoning of our property from the current zoning of R-3 to commercial zoning. We did leave the 1+/- acre in the northwest corner as a concession to the neighboring property owner to the west. Our rezoning was denied, and it is our understanding it is because we did not also leave the 1+/- acre in the southwest part of the site as residential, as that property owner had requested.

This letter is an appeal of that decision. We are willing to change our request and leave both of these sections as R-3, which basically amounts to the west 200' of the property. The Tontitown Land Use Plan Map indicates that commercial zoning/use is anticipated for our property. For everything else, we are requesting the property be rezoned to commercial utilization. We are happy with either C-1 (as was in the rezoning request for December 27, 2016) or C-2. Right now, our plan is to develop the frontage for restaurant, medical office or professional office use, and the remainder (not including the 2 acres on the west) for professional office type use. We do not have large scale development plan for this at the present time, as we are in the process of discussing this with potential partners. Our bank is requiring that the property be rezoned in order for planning to move forward.

I have included two drawings: 1) is a drawing of the request as was discussed at the December 27, 2016 planning meeting. 2) is a drawing of the revised request. I have also included all the paperwork included in the rezoning request dated 12/27/16.

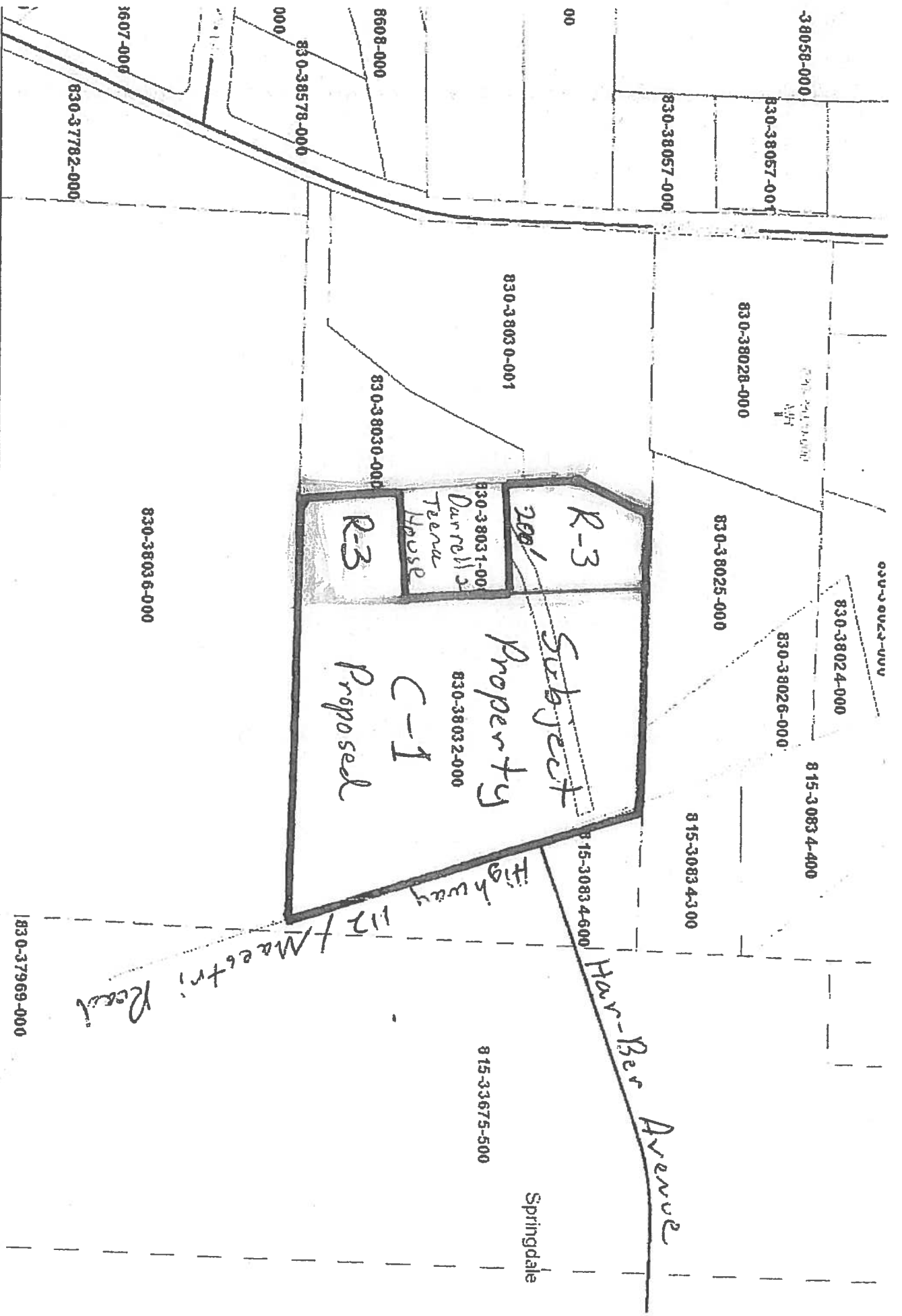
If you have any questions, I can be reached at the number below.

Sincerely,



Rob Potts c/o Potts Family LLC Property

479-790-4267



BD - Boat Dock Only
City Limits
Farmington
Praine Grove
County Boundary

0 0.0425

CHAPTER 153: ZONING REGULATIONS

Section

General Provisions

- [153.001](#) Title
- [153.002](#) Authority
- [153.003](#) Purpose
- [153.004](#) Jurisdiction
- [153.005](#) Nature and application
- [153.006](#) Interpretations
- [153.007](#) Definitions of terms and uses
- [153.008](#) Severability
- [153.009](#) Repeal of conflicting ordinance
- [153.010](#) Emergency clause

Administration

- [153.020](#) Fees
- [153.021](#) Planning Commission
- [153.022](#) Board of Zoning Adjustment
- [153.023](#) Building permits
- [153.024](#) Conditional uses
- [153.025](#) Zoning ordinance amendments
- [153.026](#) Appeals to City Council
- [153.027](#) Variances
- [153.028](#) Conversion of previous zoning districts

Zoning District Regulations

[153.040](#) Zoning district boundary map

[153.041](#) Classification of districts

[153.042](#) General provisions

[153.043](#) Permitted uses

[153.044](#) Application of district regulations

[153.045](#) A-1, Agricultural district

[153.046](#) Residential districts

[153.047](#) Commercial districts

[153.048](#) Industrial districts

[153.049](#) Planned unit development (PUD)

[153.050](#) Planned residential development (PRD)

Driveway, Off-Street Parking, Loading and Landscaping

[153.060](#) Applicability

[153.061](#) Parking dimensions

[153.062](#) Location of off-street parking

[153.063](#) Ownership

[153.064](#) Accessibility

[153.065](#) Number of off-street parking spaces required

[153.066](#) Surface of parking lots

[153.067](#) Reserved

[153.068](#) Joint parking facilities

[153.069](#) Off-street loading

[153.070](#) Appeals

[153.071](#) Parking and storage of certain vehicles

Use Regulations

- [153.090](#) Accessory buildings in commercial or industrial zones
- [153.091](#) Accessory dwellings
- [153.092](#) Animals
- [153.093](#) Apiculture (beekeeping)
- [153.094](#) Bed and breakfast
- [153.095](#) Car wash
- [153.096](#) Child care
- [153.097](#) Commercial recreation facility, outdoor
- [153.098](#) Commercial vehicles in residential zones
- [153.099](#) Community center
- [153.100](#) Hobby chickens
- [153.101](#) Home occupations
- [153.102](#) Medical services, hospitals
- [153.103](#) Mini-warehouse storage
- [153.104](#) Nonresidential uses in or abutting R districts
- [153.105](#) Outdoor food vendors
- [153.106](#) Recreational vehicle park
- [153.107](#) Residential in commercial district; existing
- [153.108](#) Religious facilities
- [153.109](#) Salvage yard
- [153.110](#) Sewage treatment plant
- [153.111](#) Sexually oriented business
- [153.112](#) Sidewalk cafes in public right-of-way
- [153.113](#) Solar energy systems
- [153.114](#) Temporary uses and structures
- [153.115](#) Wind energy systems (WES), small
- [153.116](#) Wireless communication facilities (WCF)
- [153.117](#) Garage sales, yard sales and rummage sales

Nonconforming Buildings, Structures and Uses of Land

- [153.125](#) Continuation of nonconforming buildings, structures and uses
- [153.126](#) Nonconforming buildings and structures
- [153.127](#) Nonconforming lots of record
- [153.128](#) Nonconforming uses
- [153.129](#) District changes

Signs and Billboards

- [153.140](#) Purpose
- [153.141](#) Common signage plan
- [153.142](#) Application for a sign permit
- [153.143](#) Review and approval
- [153.144](#) Interpretation of sign regulations
- [153.145](#) General regulations
- [153.146](#) Signs permitted without a permit
- [153.147](#) Signs permitted in public right-of-way without a permit
- [153.148](#) Signs permitted with a sign permit
- [153.149](#) Signs permitted with a temporary sign permit
- [153.150](#) Signs not permitted

[153.998](#) Enforcement

[153.999](#) Penalty

[Appendix A](#): Flag Standards

Editor's Note:

Zoning Regulations were adopted by Ord. 2014-12-489 on December 2, 2014.

§ 153.007 DEFINITIONS OF TERMS AND USES.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Where any words are not defined, the standard dictionary definition shall apply. In addition, some definitions listed restrict and define the meaning and intent of permitted uses set forth in this chapter.

NOTE: ** ALL OTHER 40 PAGES OF DEFINITIONS OF TERMS AND USES NOT SHOWN AS NO CHANGES*******

DWELLING, ACCESSORY. A single separate dwelling unit that is either attached or detached from a structure the primary use of which is single-family, commercial or industrial. This definition includes garage apartments and granny flats.

DWELLING, CONDOMINIUM. A single dwelling unit in a multi-family structure that is separately owned and that may be combined with an undivided interest in the common areas and facilities of the property.

DWELLING, MANUFACTURED. A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5153.401 et seq., as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

~~***DWELLING, MODULAR.*** A dwelling unit constructed in accordance with the standards set forth in the City of Tentitown Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.~~

DWELLING, MULTI-FAMILY. A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each. This use shall include apartment houses, and multiple family dwellings. This definition shall not include “dwelling, townhouse or row house” or “dwelling, condominium” which are separately defined.

DWELLING, SINGLE-FAMILY. A detached residence primarily designed for or occupied by one family only.

DWELLING, TWO-FAMILY. A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each. This definition shall include a duplex and shall not include “dwelling, accessory” which is separately defined.

DWELLING, TOWNHOUSE or ROW HOUSE. One of a group of no less than three, nor more than 12, attached dwelling units, each dwelling unit located on a separate lot.

DWELLING UNIT. A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

§ 153.041 CLASSIFICATION OF DISTRICTS.

This chapter classifies and regulates the use of land, buildings, and structures within the city limits as hereinafter set forth. For the purpose of promoting the health, safety, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of land by buildings, the size of yards and open spaces, density of population and location of buildings. Zoning districts shall be designated as follows:

- (A) *Agricultural*. A-1, Agricultural.
- (B) *Residential*.
 - (1) R-E, Residential Estate.
 - (2) R-1, Single Family Residential.
 - (3) R-2, ~~Duplex and Patio Home Residential~~.
R-2 , Low Density Residential
 - (4) R-3, Medium Density Residential.
 - (5) R-4, High Density Residential.
 - (6) R-MH, Manufactured Home Residential.
- (C) *Commercial*.
 - (1) C-1, Neighborhood Commercial.
 - (2) C-2, General Commercial.
- (D) *Industrial*.
 - (1) I-1, Light Industrial.
 - (2) I-2, Heavy Industrial.
- (E) *Planned Unit Development (PUD)*.
- (F) *Planned Residential Development (PRD)*.

(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, § 153.401.2, passed 9-3-13; Am. Ord. 2015-10-550, passed 10-6-15)

§ 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 | Wind energy system, small (§ 153.115) |

| | | |
|--|--|--|
| 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) | |
| Reservoir, wet or dry detention | Lodging – bed and breakfast (§ 153.102) | |
| Water and wastewater treatment/storage facility | Museum | |
| Watershed conservation or flood control | Public safety services | |
| | Temporary uses | |
| | Real estate sales office | |
| | Religious facility (§ 153.108) | |
| | Utility facility | |

(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 | Wind energy system, small (§ 153.115) |
| | 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 | |
| Utility facilities | Golf course (§ 153.097) | |
| Water and wastewater treatment/storage facility | Group homes for developmentally disabled | |

| | | |
|---|---|--|
| Watershed conservation or flood control | Home occupation (§ <u>153.101</u>) | |
| | Museum | |
| | Public safety services | |
| | Real estate sales office | |
| | Religious facilities (§ <u>153.108</u>) | |
| | Temporary uses | |
| | Utility facility | |

(3) ~~R-2, Duplex and Patio Home Residential.~~

(3) **R-2 Low Density 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~~ **Single Family-Low Density Residential** 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.~~ **Low density, single family residential.** ~~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~~ **low** 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> |
|--|---|---|
| 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 | |
| Park – mini | Home occupation (§ 153.101) | |
| Park – neighborhood | Lodging - Bed and breakfast | |
| Reservoir, wet or dry detention | Museum | |
| Utility facilities | Public safety services | |
| Water and Wastewater treatment/storage facilities | Real estate sales office | |
| Watershed conservation and flood control facilities | Religious facilities (§ 153.108) | |
| | Temporary uses | |
| | Utility facility | |

(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) | |

| | | |
|--|----------------------------------|--|
| Park – neighborhood | Lodging - Bed and breakfast | |
| Residential facility – assisted living | Museum | |
| Residential facility – temporary shelter | Public safety services | |
| | Religious facilities (§ 153.108) | |
| | Temporary uses | |
| | Utility facility | |

(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 | |
| | Utility facility | |

(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..

| Permitted Uses | Conditional Uses | Accessory | |
|---|------------------|--|-------------------------------------|
| 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 | | | |
| Watershed conservation or flood control facilities | | | |

(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 unit per acre |
| R-2 | 2 dwelling units per acre |
| R-3 | 3 dwelling units per acre |
| R-4 | 16 dwelling units per acre |
| R-MH | 6 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, or dedicated access easement 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, or dedicated access easement 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) (Reserved)

(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 (1 acre) | 120 | 40% | 45% | |
| R-2 | Single-family & duplex | 21,780 (1/2 acre) | 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% | |

(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 | 20 | 25 |
| R-2 | All | 20 | 7 10 | 20 | 25 |
| R-3 | All | 20 | 10 7 | 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 |

(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> |
|-----------------|----------------------------------|--------------------------------|
| R-E | 50% | 70% |
| R-1 | 50% | 70% |
| R-2 | 50% | 70% |
| R-3 | 50% | 70% |
| R-4 | 50% | 70% |
| R-MH | 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; Am. Ord. 2015-10-550, passed 10-6-15)



City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
City Attorney – Harrington-Miller
Public Works Director – James Clark
Code Enforcement Officer – Brett Freeland

Planning Board
Darrell Watts, Chairman
Rocky Clinton, Vice Chairman
Gene McCartney, Secretary
Susan Sedberry, Member
Jim Miller, Member

Planning Board Agenda

February 28th, 2017

7:00 P.M.

Tontitown City Hall

235 East Henri De Tonti Boulevard

Tontitown, Arkansas

- 1. Planning Board Meeting Call to Order**
- 2. Roll Call**
- 3. Election of Officers**
- 4. Approval of Agenda**
- 5. Approval of Minutes**
 - a. January 24th, 2017 Planning Board Meeting
- 6. Comments from Citizens**
- 7. Old Business**
- 8. New Business**
 - a. Approval - Conditional Use Request – Jason Collins – 1050 Reed Valley Rd - Roasterie
 - b. Approval – Rezone Potts Family Trust-One Twelve LLC
 - c. Approval – Updates to Chapter 153 Section 153.007 – 153.041 – 153.046
 - d. Sign Ordinance – Chapter 153 Section 153.140 - 153150 – Justin Eichmann
 - e. Approval Burton Warehouse – LSD – Jared Inman, Jorgensen
 - i. Determine Design Standards (152.151) Applicability Street Frontage, and side requirements per E.5 Wall Articulation.
 - f. Approval South Pointe – Phase 11 - Preliminary Plat
- 9. Reoccurring Items and Items for Review**
 - a. Review of Approved Projects & Expirations
 - b. Review Building Activity
 - c. Distribution of Code books. Chapter 153 for review.
- 10. Review Items for Placement on City Council Agenda**
 - a. Rezone Potts Family Trust-One Twelve LLC
 - b. Updates to Chapter 153 Section 153.007 – 153.041 – 153.046
- 11. Comments from Board Members**
- 12. Meeting Adjourned**



City Engineer – Terry Carpenter
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Public Works Director – James Clark
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Planning Board
Darrell Watts, Chairman
Rocky Clinton, Vice Chairman
Gene McCartney, Secretary
Susan Sedberry, Member
Jim Miller, Member

Election of Planning Board Officers

| Name: | Term Expiration: | Current Position: | New Position: |
|--------------------|---------------------|----------------------|------------------|
| Darrell Watts | Feb 2018 | Chairman | _____ |
| Rocky Clinton | Feb 2017 | Vice-Chairman | _____ |
| _____(Vacant)_____ | Feb 2018 | Secretary | _____ |
| Susan Sedberry | Feb 2017 | Member | _____ |
| Jim Miller | Feb 2018 | Member | _____ |



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Planning Board
Darrell Watts, Chairman
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Susan Sedberry, Member
Jim Miller, Member

Planning Board Minutes

January 24th, 2017

7:00 P.M.

Tontitown City Hall

235 East Henri De Tonti Boulevard

Tontitown, Arkansas

1. Meeting Call to Order

2. Roll Call

All in attendance

3. Approval of Agenda

Susan motion to approve agenda Second by Jim Motion Passes

4. Approval of Minutes

a. December 27th, 2016 Planning Board Meeting

Rocky motion to approve minutes Second by Jim Motion Passes

b. December 27th, 2016 Planning Board Public Hearing

Rocky motion to approve minutes Second by Susan Motion Passes

c. December 27th, 2016 Board of Zoning Adjustments Pubic Hearing

Rocky motion to approve minutes Second by Jim Motion Passes

5. Comments from Citizens-None

6. Old Business-None

7. New Business

a. Review of Zoning Set-backs Code 153.046 Residential Districts – James Clark

Review only- Set Back Variance changes

R1 from 7 to 20

R2 from 7 to 10

R3 from 10 to 7

This will require a Public Hearing. An Ordinance will be provided for the next Planning meeting.
Other changes may be imposed.

b. South Barrington Road Final Plat

Jason with Bates and Associates was present to answer any questions.

Rocky motion to approve Final Plat with Contingents

Second by Susan Motion Passes



City Engineer – Terry Carpenter
City Planner – Jeff Hawkins
City Attorney – Harrington-Miller
Public Works Director – James Clark
Code Enforcement Officer – Brett Freeland

Planning Board
Darrell Watts, Chairman
Rocky Clinton, Vice Chairman
Gene McCartney, Secretary
Susan Sedberry, Member
Jim Miller, Member

8. Reoccurring Items and Items for Review

- a. **Review of Approved Projects & Expirations**
Reference website Planning Meeting Packet for detailed report
- b. **Review Building Activity**
Reference website Planning Meeting Packet for detailed report

9. Review Items for Placement on City Council Agenda

None

10. Comments from Board Members

Jim asked” Do we want to do special meetings, possibly starting with code 153”

11. Meeting Adjourned- Susan motion to adjourn Second by Jim All in Favor

SIGNS AND BILLBOARDS

§ 153.140 PURPOSE.

Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This subchapter provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Tontitown, and to achieve the following:

(A) *Safety*. To promote the safety of persons and property by providing that signs:

(1) Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;

(2) Do not obstruct fire fighting or police surveillance;

(3) Do not create traffic hazards by confusing or distracting motorists;

(4) Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and

(5) Do not otherwise interfere with or detract from the safety of persons or property.

(B) *Communications efficiency*. To promote the efficient transfer of information in sign messages by providing that:

(1) Customers and other persons may locate a business or service;

(2) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and

(3) The messages in signs may otherwise be communicated efficiently.

(C) *Landscape quality and preservation*. To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

(1) Do not interfere with scenic views;

(2) Do not create a nuisance to persons using the public rights-of-way;

(3) Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height, or movement;

(4) Are not detrimental to land or property values;

(5) Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore the messages, according to the observer's purpose;

(6) Do not negatively affect the city's tourism industry;

(7) Do not create or worsen visual clutter or visual blight;

(8) Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;

(9) Do otherwise protect and preserve a quality landscape in the city; and

(10) Do otherwise enhance the appearance and economy of the city.

(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, § 153.801.1, passed 9-3-13)

§ 153.141 COMMON SIGNAGE PLAN.

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Building Official. Signage plans require Planning Department approval. In the case of any conflict between the signage plan and this chapter, this chapter shall govern.

(A) *Drawings.* Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three elements:

(1) *Location.* Identification of sign locations on buildings or property.

(2) *Materials.* Description of the type of sign and sign materials including construction materials and proposed lighting, if any.

(3) *Size.* Itemization of sign size and/or area at identified locations.

(B) *Multiple signs.* Where more than one sign is located on a property, or where more than one building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.

(C) *Amendments.* Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.

(D) *Minor alterations.* Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Official or the Director's designated representative.

(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, § 153.801.2, passed 9-3-13)

§ 153.142 APPLICATION FOR A SIGN PERMIT.

Signs permitted in § [153.148](#) shall be allowed with a sign permit and signs permitted in § [153.149](#) shall be allowed with a temporary sign permit issued by the Building Department.

(A) *Application*. Complete the sign permit application provided by the Building Department.

(B) *Fee*. The applicant shall pay the fee as adopted from time to time by City Council.

(C) *Drawings*. A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.

(D) *Site plan*. A scaled site plan showing the location of the sign on the property or building including street right-of-way and property lines. For wall signs, building face shall be dimensioned.

(E) *Materials list*. A list of materials used to construct the sign.

(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, § 153.801.3, passed 9-3-13)

§ 153.143 REVIEW AND APPROVAL.

(A) *Approval*. After a review of the application by the Building Department shows that the sign meets zoning, electrical, and ICC Building Code requirements, the applicant shall receive a permit to erect or install the approved signs.

(B) *Permanent signs*. The applicant shall request an inspection after installation of permanent signs.

(1) *Expiration of permit*. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application. The Building Department may grant one 30-day extension to the sign permit.

(2) *Successors*. Valid sign permits may be assignable to a successor of the business.

(C) *Temporary sign*. Temporary sign permits shall be reviewed and issued in compliance with the regulations set forth in § [153.149](#).

(D) *Revocation of permits*. The Building Official or his or her designee may revoke a sign permit if a sign is found to be in violation of this chapter.

(E) *Minor alterations*. Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Official or the Director's designated representative.

(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, § 153.801.4, passed 9-3-13)

§ 153.144 INTERPRETATION OF SIGN REGULATIONS.

(A) *Street frontage.* Street frontages shall be considered separately for each street the lot fronts, measured by property lines.

(B) *Maximum area.* Maximum area shall be the area of one side of the sign.

(C) *Measurable area.* Measurable area is the area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.

(D) *Maximum height.* Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.

(E) *Appeal of interpretation.* All administrative interpretations of sign regulations may be appealed to the Board of Adjustment (if applicable). Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the Board.

(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, § 153.801.5, passed 9-3-13)

§ 153.145 GENERAL REGULATIONS.

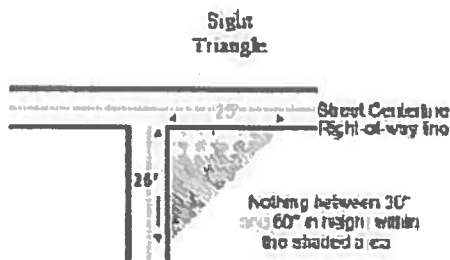
(A) *Design and construction.*

(1) *Code compliance.* All signs shall comply with applicable provisions of the ICC Building Code and the National Electrical Code.

(2) *Materials.* Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:

- (a) Temporary signs meeting the regulations elsewhere in this subchapter.
- (b) Real estate signs.
- (c) Construction signs.
- (d) Window signs.
- (e) Yard sale signs, political and election signs.

(B) *Sight triangle.* No sign shall constitute a hazard to traffic including, but not limited to signs located within the sight triangle of an intersection. The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25 feet along each right-of-way starting at the intersection point.



(C) *Maintenance.* All signs, to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.

(D) *Obstructions.* No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

(E) *In public right-of-way.* No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted in this subchapter. Generally, signs located away from the street behind the sidewalk or utility poles shall be considered to be located outside the public right-of-way.

(F) *Illumination.*

(1) *Source.* Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. External illumination is preferred.

(2) *Internal illumination.* Internally illuminated signs in all districts shall have an opaque background and translucent copy.

(3) *External illumination.* External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way. Down-lighting is preferred.

(4) *Strung lights.* Signs shall not be illuminated by a string of lights placed around the sign.

(G) *Changeable copy signs.* Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

(1) *Area.* No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.

(2) *Animation.* In no instance shall changeable copy signs produce fluctuating illumination or animation as prohibited in § 153.150(A).

(3) *Copy rotation.* Each message shall be displayed for at least three seconds before alternating to the next message without violating § 153.150(A). Messages shall be permitted to

scroll from one direction onto the message board so long as the message remains on the message board for at least three seconds before scrolling off.

(H) *Nonconforming, obsolete, and unpermitted signs.* Signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is damaged or in a state of disrepair or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations.

(I) *Sign removal.* In the event a business ceases operation for a period of time in excess of 60 days, the sign permit holder or the property owner shall immediately remove any sign identifying or advertising said business or any product sold thereby and any non-conforming sign supporting structure. A conforming sign supporting structure need not be removed unless a determination is made by the Code Enforcement Officer or Building Official that the unoccupied sign structure is a traffic hazard or a substantial detriment to nearby businesses or residents such that the structure's removal is necessary to end public nuisance.

(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, § 153.801.6, passed 9-3-13; Am. Ord. 2014-12-489, passed 12-2-14)

§ 153.146 SIGNS PERMITTED WITHOUT A PERMIT.

The following signs shall be permitted in all zoning districts. No sign permit shall be required.

(A) *Art.* Works of art which do not identify a commercial business, product or service.

(B) *Construction signs.*

(1) *Residential districts: lot.* Construction signs on individual lots in residential districts, subject to the following regulations:

(a) *Number permitted.* One construction sign per street frontage.

(b) *Maximum area.* Six square feet.

(c) *Maximum height.* Six feet.

(d) *Removal.* The sign shall be removed prior to the issuance of a certificate of occupancy or upon completion of the project.

(2) *Residential districts: subdivision.* Construction signs for a subdivision in residential districts, subject to the following regulations:

(a) *Number permitted.* One per street frontage of subdivision.

(b) *Maximum area.* Thirty-two square feet per sign face.

(c) *Maximum height.* Twelve feet.

(d) *Removal.* The construction sign shall be removed within seven days of erection of a permanent subdivision sign.

(3) *Nonresidential districts.* Construction signs in nonresidential districts, subject to the following regulations:

- (a) *Number permitted.* One per street frontage.
- (b) *Maximum area.* Thirty-two square feet per sign face.
- (c) *Maximum height.* Twelve feet.

(d) *Removal.* The construction sign shall be removed prior to obtaining a certificate of occupancy or erection of a permanent sign, whichever comes first.

(C) *Farm signage.* Signs on farms of at least five acres in size and registered with the U.S. Department of Agriculture's Farm Service Agency (FSA) advertising sale of products grown or produced on the premises.

(D) *Flags. U.S., state, municipal, or corporate flags.* The United States flag shall be flown consistent with the federal flag code (U.S. Code Title 13 Chapter 1 - The Flag).

(E) *Hand carried noncommercial signs.*

(F) *Historic markers.* Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event or historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:

- (1) *Maximum area.*
 - (a) *Freestanding.* Eighteen square feet.
 - (b) *Wall.* Six square feet.

(2) *Materials.* Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.

(G) *Holiday decorations.* Temporary lighting and displays that are part of customary holiday decorations, subject to the following regulations:

(1) *Time period.* Displays and lighting associated with holiday celebrations shall not be illuminated before November 1, and shall not be illuminated after January 15.

(2) *Subject.* Such decorations shall not contain a commercial message.

(3) *Location.* Such signs shall not be located in the right-of-way.

(H) *Identification signs.* Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs that are no larger than three square feet in area per sign.

(I) *Incidental or directional signs.* Incidental signs, those that give information or direction for the convenience and necessity of the public, such as “entrance,” “exit,” “no admittance,” “telephone,” or “parking,” subject to the following regulations:

- (1) *Maximum area.* Three square feet.
- (2) *Maximum height.* Four feet.
- (3) *Subject.* Such sign shall not contain any logos.

(J) *Interior signs.* Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.

(K) *Non-legible.* Any sign not legible either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located. Such signs shall meet the following conditions:

- (1) *Maximum area.* Thirty-two square feet.
- (2) *Maximum height.* Six feet, if freestanding.

(L) *Non-profit announcements.* Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs, subject to the following regulations:

- (1) *Maximum area.*
 - (a) *Residential.* Six square feet.
 - (b) *Nonresidential.* Thirty-two square feet.
- (2) *Maximum number permitted.* One per lot.
- (3) *Time period.* Signs may be erected up to two weeks prior to the event.
- (4) *Removal.* Signs shall be removed within three days after the event.
- (5) *Banner attachment.* Banners shall be attached to a fixed structure, either a building or freestanding sign.
- (6) *Permitted special event signs.* When a property owner agrees to allow a non-profit announcement on their property, such sign shall not count toward the special sales event and promotion signs permitted in this chapter.

(M) *Political signs.* Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:

- (1) *Maximum height.* Eight feet.
- (2) *Location.* Political signs are prohibited on utility poles and may not obstruct driver’s vision clearances at an intersection. Such signs shall not be placed in public rights-of-way.
- (3) *Time period.* Political signs shall not be posted earlier than 60 days prior to a primary, general or special election.

(4) *Removal.* Such signs shall be removed within three days after the election.

(N) *Public notice.* Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

(O) *Public park signs.* Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than eight feet in height.

(P) *Public sign.* Any federal, state or local traffic control or other public sign.

(Q) *Real estate signs, residential.* Real estate signs in residential districts.

(1) *Generally.*

(a) *Location.* No real estate signs shall be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed behind sidewalks and/or utility poles.

(b) *Removal.* Signs for properties for sale shall be removed within 72 hours of property closing.

(2) *On-site signs.* On-site real estate signs in residential districts, subject to the following regulations:

(a) *Maximum area.*

1. *Without a rider.* Six square feet.
2. *With riders.* Eight square feet.

(b) *Maximum height.* Six feet.

(c) *Maximum number permitted.*

1. *Freestanding.* One per street frontage.
2. *Wall.* One per dwelling unit.

(d) *Riders permitted.* Two sign riders are permitted as long as the maximum sign area does not exceed eight square feet.

(3) *Off-site signs.* Off-site directional real estate signs for the sale or rent of residential property, subject to the following regulations:

(a) *Maximum area.* Two square feet for a single user, or four square feet when shared by multiple projects.

(b) *Maximum height.* Four feet.

(c) *Maximum number permitted.* Four directional real estate signs per project (or per property when a single dwelling is for sale or rent), in order to avoid the placement of a series of signs along several miles of roadway.

(d) *Location.* Directional signs shall be placed no farther than two road miles from the project or property for which directions are given.

(e) *Intersections.* Up to two directional signs are allowed at intersections. However, each user is allowed only one sign per intersection. Therefore, each of the signs must identify different users.

(f) *Illumination.* Off-site directional real estate signs shall not be illuminated.

(R) *Real estate signs, nonresidential.* Real estate signs in nonresidential districts, subject to the following regulations:

(1) *Maximum area.* Thirty-two square feet.

(2) *Maximum height.* Eight feet.

(3) *Maximum number permitted.*

(a) *Freestanding.* One per street frontage.

(b) *Wall.* If the entire building is for sale or lease: one per building facade. If portions of the buildings are for sale or lease: one per lease space.

(S) *Religious institution directional signs.* Off-site signs directing a person to a religious institution shall meet the following conditions:

(1) *Maximum area.* Six square feet.

(2) *Maximum height.* Eight feet.

(3) *Maximum number permitted.* Four per religious institution.

(4) *Subject.* Such signs may only bear the name and address of the church with direction and distance to the church.

(5) *Permission.* Such signs require property owner permission.

(T) *Stadium signage.* Commercial signs within city stadiums (high school football and baseball stadiums).

(U) *Traffic control signs.* Traffic control signs on private property such as “stop,” “yield,” and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:

(1) *Maximum area.* Eight square feet.

(2) *Subject.* Such sign shall not contain a logo or commercial message.

(V) *Vending machines, ATMS, gas pumps.* Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed 32 square feet in area per side. The display shall be an integral part of the machine or pump.

(W) *Window signs.* Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed 40% of the window area.

(X) *Garage or yard sale signs, individual.* All such yard, garage, moving, rummage sale signs, subject to the following regulations:

(1) *Advertising.* No signs shall be posted advertising said sale more than three days prior to the sale. Signs shall be removed one day after the event. The sign shall include the address and date(s) of the sale.

(2) *Maximum area.* Six square feet.

(3) *Maximum number permitted.* One at the site of the sale and one off-site directional sign.

(4) *Enforcement.* The Code Enforcement Officer shall have authority to remove the sign and issue a citation for any signs not in compliance with these regulations.

(5) *Location.* Signs shall be placed behind the sidewalk for streets with sidewalks and ten feet behind the back of curb or edge of pavement for streets without sidewalks.

(Y) *Garage or yard sale signs, neighborhood.*

(1) *Definition.* A neighborhood yard sale sign shall be permitted to advertise for a neighborhood yard sale event whereby a minimum of three households within the same subdivision have individual yard sales simultaneously.

(2) *Display period.* No sign shall be posted advertising said sale more than seven days prior to the sale. Signs shall be removed one day after the event.

(3) *Display information.* Signs shall include the date(s) of the sale and, at a minimum, the site address of the coordinator of the event.

(4) *Maximum area.* Thirty-two square feet.

(5) *Maximum number permitted.* One per subdivision entry.

(6) *Location.* The signs shall be attached to a permanent subdivision entry sign. If no subdivision entry sign exists, the sign shall be attached to a fence or building near the subdivision entry.

(7) *Individual sales.* These regulations shall not prohibit the individual yard sale from advertising in compliance with division (X) above.

(8) *Enforcement.* The Code Enforcement Officer shall have authority to remove the sign and issue a citation for any signs not in compliance with these regulations.

(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, § 153.801.7, passed 9-3-13)

§ 153.147 SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT.

The following signs shall be permitted within public rights-of-way. No sign permit shall be required.

(A) *Emergency.* Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.

(B) *Public.* Public signs erected by the city, county, state or federal government.

(C) *Moveable sidewalk signs.* Moveable signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the C-1, or C-2, DC, and DE Districts, provided that all the following criteria are met:

(1) *Area.* The area consists of one or more contiguous blocks where at least 75% of the block face contains buildings which abut the street sidewalk, and at least 50% of the buildings have space at the street level which consists of retail stores, shops and restaurants. Also, the sidewalk in the area must be wide enough to allow for at least six feet of width for unrestricted pedestrian movement with the sidewalk signs in place.

(2) *Maximum height.* Four feet.

(3) *Maximum width.* Two and one-half feet, or 30% of the sidewalk width, whichever is less.

(4) *Illumination.* There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street.

(5) *Detached.* The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

(6) *Location.* Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six feet.

(7) *Encroachment agreement.* An encroachment agreement allowing for a sidewalk sign on the public right-of-way. As part of the encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or building agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the city Street Department for sidewalks in the city, which protects the city or state from any liability resulting from injury or property damage caused by any such sign.

(8) *Removal.* Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, and the like.

(D) *Subdivision.* Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be included in preliminary plat or large-scale development plan.

(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, § 153.801.8, passed 9-3-13)

§ 153.148 SIGNS PERMITTED WITH A SIGN PERMIT.

The following signs are allowed with a sign permit, subject to the size, height and location regulations specified in this section. A common signage plan is required in accordance with § 153.141. Erection of the following signs without a permit is a violation of this section:

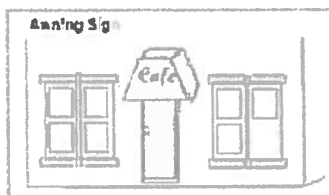
- (A) The Planning Commission may grant variances on the sign regulations in this section.
- (B) Height and area regulations.

| Zoning District | Sign Types Permitted | No. of Signs Permitted | Max. Height | Maximum Sign Area (per sign face) |
|-----------------|----------------------|------------------------|-------------|-----------------------------------|
|-----------------|----------------------|------------------------|-------------|-----------------------------------|

| | | | | |
|--|---|---|-----------------------|--|
| A-1 RE R-1 R-2 R-3 R-4 PRD | Freestanding - Subdivisions and Multifamily | 2/street entrance | 5 ft. | 32 sq. ft. |
| | Freestanding - Nonresidential use | 1/street entrance | 16 ft. | 32 sq. ft. |
| | Wall - Residential use | 1/building | No maximum | 4 sq. ft., non-illuminated |
| C-1 | Freestanding | 1/street frontage | 24 ft. | 1/2 sq. ft. / linear ft. of street frontage, not to exceed 200 sq. ft. |
| | Wall | 1/wall For lease spaces, 1/wall of lease space | No maximum | 15% of wall area (Includes canopy, awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted. |
| | Awnings | 1/lease space | No maximum | 32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs) |
| | Canopies | 1/canopy face | Fuel: 42" Other 2' | 12 sq. ft. (Shall be deducted from maximum allowable area of wall signs.) |
| | Projecting or Suspended | 1/lease space | No maximum | Projecting: 40 sq. ft.; Suspended: 4 sq. ft. |

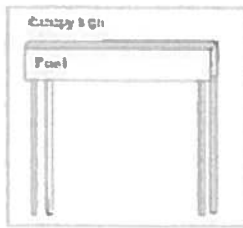
| | | | | |
|--------------------------|-------------------------|---|-----------------------|--|
| C-2 PUD I-1 I-2 | Freestanding | 1/street frontage | No maximum | 1 sq. ft./linear ft. of street frontage, not to exceed 100 sq. ft. |
| | Wall | 1/wall For lease spaces, 1/wall of lease space | No maximum | 15% of wall area (Includes canopy, awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted. |
| | Awnings | 1/lease space | No maximum | 32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs) |
| | Canopies | 1/canopy face | Fuel: 42" Other 2' | 12 sq. ft. (Shall be deducted from maximum allowable area of wall signs.) |
| | Marquee | 1/building | 8 ft. | 100 sq. ft. |
| | Projecting or Suspended | 1/lease space | No maximum | Projecting: 40 sq. ft.; Suspended: 4 sq. ft. |

(C) Awning signs. An awning sign is a sign that is part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential uses in the C-1, C-2, I-1 and I-2 zoning districts and for nonresidential zoning districts subject to the following regulations:



- (1) Placement. The sign shall be flat against the surface of the awning.
- (2) Clearance. The sign shall maintain a clearance of eight feet above a public right-of-way (C-1, C-2, I-1 and I-2 zoning districts only) or front yard.
- (3) Setback. The sign shall not be closer than two feet, measured in horizontal distance, from the curb line of any street.
- (4) Right-of-way. The sign shall not extend into the right-of-way (except C-1, C-2, I-1 and I-2 zoning districts).
- (5) Fabric awnings. Any fabric awning valance may not extend more than one foot below the rigid mount of the awning.

(D) Canopy signs. A canopy sign is a sign on or attached to any overhead protective structure that is constructed in such a manner as to allow pedestrians and vehicles to pass under. Canopy signs shall be permitted in nonresidential zoning districts, subject to the following regulations:



(1) All canopies. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.

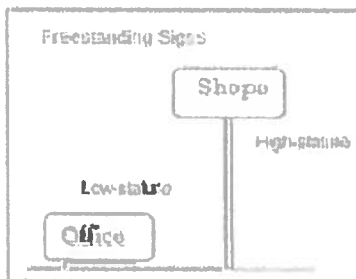
(2) Fuel canopies. Signage for fuel canopies shall be limited to logo signs.

(E) Freestanding signs, nonresidential districts. A freestanding sign is a sign that is not attached to a building and is permanently attached to the ground. Freestanding signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

(1) Buffer areas. The signs may be placed within the required buffer area or within other landscaped areas.

(2) Sign setback.

| Condition | Minimum Setback from Property Line |
|---------------------------------------|------------------------------------|
| Sign area of 32 sq. ft. or less | 5 ft. |
| Sign area more than 32 sq. ft. | 10 ft. |
| Sign adjacent to residential property | 25 ft. |



(3) Sign landscaping. All non-residential signs require:

- (a) A defined landscaped area at the base of the sign.
- (b) The required landscaped area shall be parallel to the face(s) of the sign.
- (c) The required landscaped area shall be at least 50 square feet in area.

(d) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.

(e) If the size of the site imposes practical difficulties on the placement of the plant materials, the Building Department may make adjustments in these regulations.

(f) The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.

(g) Paving and artificial plant materials shall not be included in fulfilling this requirement.

(h) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

(4) Additional signs.

(a) Street frontage over 300 feet. One additional sign may be allowed by the Building Official or his or her designee for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The Code Official, in making a determination shall consider the approval standards found in division (D)(4)(c) below. Each sign must meet all other regulations for freestanding signs.

(b) Medical facilities. The Building Official or his or her designee may approve additional freestanding signs for medical facilities containing 250 beds or more, subject to the following regulations:

1. The information contained on the sign must relate to medical facility services;
2. Each sign shall not exceed 12 feet in height and 50 square feet in area;
3. The number of signs allowed shall not exceed a ratio of one sign per 150 feet of medical facility property street frontage measured on the street on which the signs are to be located; and
4. All signs associated with the medical facility shall be approved as part of a common signage plan in conformance with the regulations of § 153.141 prior to the issuance of any sign permits.

(c) Considerations for approval of additional signs. In making a determination to approve additional signs, the Building Official shall consider the following standards:

1. The signs comply with other applicable provisions of the chapter;
2. The views of adjacent properties or from adjacent properties are not impaired;
3. The signs do not interfere with public utilities, government uses, transportation, and landscaping;
4. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage; and
5. The signs do not pose a hazard to public safety.

(5) Monument signs.

(a) Maximum sign area. The maximum sign area for a monument sign may be increased up to 20% of the maximum sign area allowed for a freestanding sign for the applicable zoning district; not to exceed 100 square feet.

(b) Maximum height. Six feet.

(c) Materials. The sign display area shall be completely enclosed with materials that match the facade of the principal use or similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on site.

(d) Design. The top of the sign display area shall be located a minimum of 12 inches below the top of the sign structure. No air space shall be visible within or between any portion of the sign display area and sign structure.

(F) Freestanding signs, residential districts. Freestanding signs to identify residential subdivisions, PUDs, or multi-family developments shall be permitted in all residential districts, subject to the following regulations:

(1) Subject. No commercial message shall be placed on the identification sign.

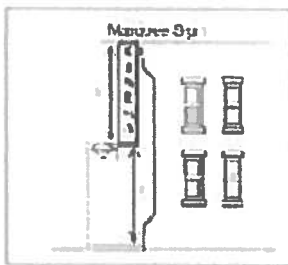
(2) Permanent feature. Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.

(G) Marquee signs. A marquee is a sign used to identify a theater or a sign projected over the entrance to a theater. Marquee signs shall be permitted in commercial zoning districts, subject to the following regulations:

(1) Clearance. The sign shall maintain a vertical clearance over a sidewalk of at least eight feet.

(2) Setback. No marquee sign may be closer than two feet, measured in horizontal distance, from the curb line of any street.

(3) Length. The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls.

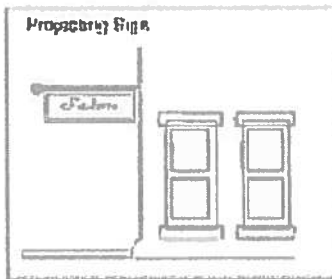


(H) Noncommercial signs. Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this chapter. Noncommercial signs are subject to the same permit regulations, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

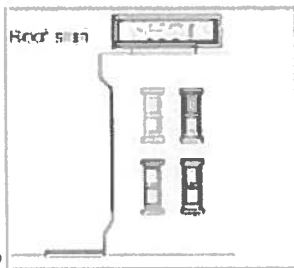
(I) Projecting signs. A projecting sign is a sign that forms an angle with the building that extends from the building and is supported by the building. Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

(1) Extending above wall. The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of two feet beyond the top of the wall.

(2) Setback. The sign may not extend into a required front yard more than six feet and no closer than two feet measured in horizontal distance from back of curb of any street.



(J) Roof signs. A roof sign is higher than the roof to which it is attached. Roof signs shall be permitted on buildings of three stories or more in the Central Business District (C-1, C-2, I-1 or I-2 zoning districts). Multiple signs shall have uniform graphics or lettering styles.



(K) Suspended signs. A suspended sign is a sign attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. Suspended signs shall be permitted in all nonresidential zoning districts, subject to the following regulations:

(1) Clearance. The sign shall allow an eight foot clearance to the walking surface.

(2) Setback. No sign shall be closer than two feet measured, in horizontal distance, to the curb line of any street.

(L) Wall signs, nonresidential districts (includes window signs). A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall of any building. Wall signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

(1) Extending beyond building. The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.

(2) Extending beyond wall. The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.

(3) Calculating sign area. The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.

(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, § 153.801.9, passed 9-3-13; Am. Ord. 2014-12-489, passed 12-2-14)

§ 153.149 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT.

(A) Special sales events and promotions. Temporary signs, such as banners, are those that are intended for a temporary use and are not permanently mounted. Temporary signs shall be permitted in all zoning districts for special sales events and promotions, subject to the following regulations:

(1) Maximum number permitted per event. Only one sign shall be allowed per business per special sales event or promotion.

(2) Display period. The temporary sign shall be displayed for not more than 15 consecutive days.

(3) Maximum number permitted per year. Each business site may be issued only four permits for a temporary sign within a 12-month period. Each 12-month period shall begin with the issuance of the first permit and shall expire 12 months from that date. New businesses shall be permitted one additional special event sign per wall up to six consecutive months to announce the opening of the business, subject to the maximum area of 32 square feet per sign. Signs announcing employment opportunities for an on-site business shall be exempt from this requirement, subject to the maximum area of 32 square feet per sign.

(4) Banners.

(a) Maximum area. Thirty-two square feet.

(b) Display location. The temporary banner shall be attached to the building or a permanent freestanding sign.

(5) Freestanding.

(a) Maximum area. Six square feet.

(b) Display location. Private property and outside of the right-of-way and sight triangle.

(6) Subject. The temporary sign shall be for a special sales event or promotion, not a routine business activity.

(7) Exception. This section shall not affect signs regulated in § 153.146, non-profit announcements for public and non-profit events.

(8) Conformance with other regulations. The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

(B) Vertical streetscape banners. Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

(1) Locations. Vertical streetscape banners may be located within locations as approved by City Council and local electric company.

(2) Applicants. Eligible applicants include non-profit organizations, charitable, or civic organizations, to include but not limited, to an approved Tontitown Grape Festival and other special functions as approved by the City Council.

(3) Subject. Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement, or expression relating to commercial interests.

(4) Size. Each banner shall not exceed a maximum size of two and one-half feet in width and five feet in length.

(5) Attachment. Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to a city street light shall be installed by the local electric company. No more than two banners, on opposing sides, may be mounted to each light pole.

(6) Display period. Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within three days after the event. All other banners may remain in place for up to a year if they do not become torn, faded, loose or otherwise in disrepair.

(7) Multiple banners. An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same lot shall be consistent in terms of colors and materials used.

(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, § 153.801.10, passed 9-3-13)

§ 153.150 SIGNS NOT PERMITTED.

The following signs shall be prohibited, and may neither be erected nor maintained:

(A) Fluctuating illumination. Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited. Changeable copy shall be permitted so long as it is in compliance with Sec. 153.146(G).

(B) Obsolete signs. Obsolete signs or signs which have broken supports or are overgrown with vegetation.

(C) Off-site signs. Off-site signs are signs that direct attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located. Off-site signs include any sign which has been used as an off-site sign at any point after December 31, 2010. Exceptions. This provision shall not prohibit the following signs:

- (1) Off-site signs that existed on or before December 31, 2010 in the city;
- (2) Off-site signs that are located along federal aid primary highways or interstate highways for which sign compensation is regulated by state and federal law;
- (3) Off-site signs that were erected and are permitted and maintained in compliance with state regulations and this chapter; and
- (4) Off-site signs specifically permitted within this chapter.

(D) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs: with attached wheels; converted to A- or T frame signs; menu and sandwich board signs; gas, air or hot air filled displays; and hand carried signs promoting a commercial interest.

(E) Vehicle signs. Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement for products or services or directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business. See § 153.090(H) for regulations regarding commercial vehicles in residential zones.

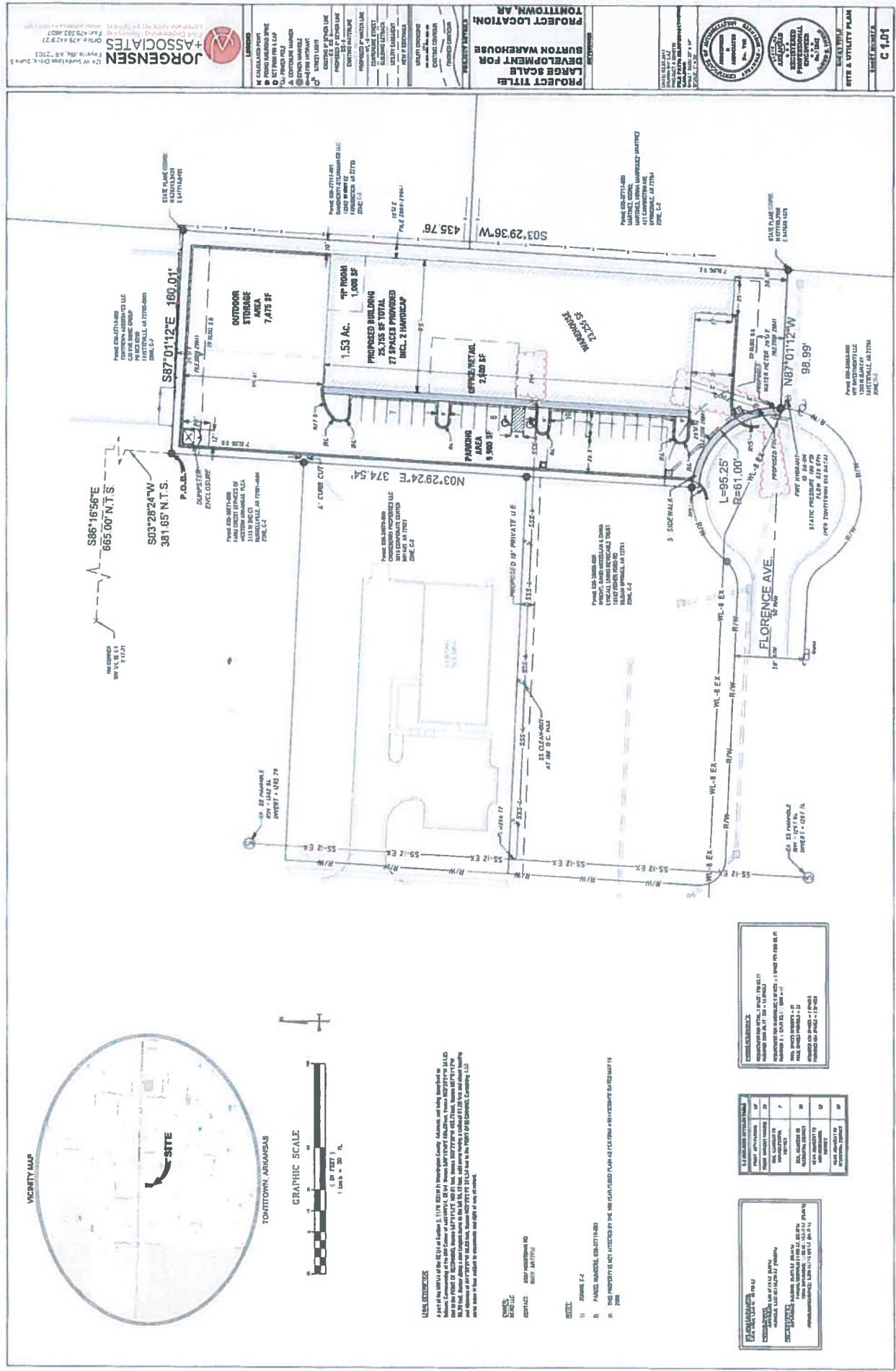
(F) Rotating or revolving signs.

(G) Strung lights. Lights strung across buildings or property, except those allowed under § 153.146(G).

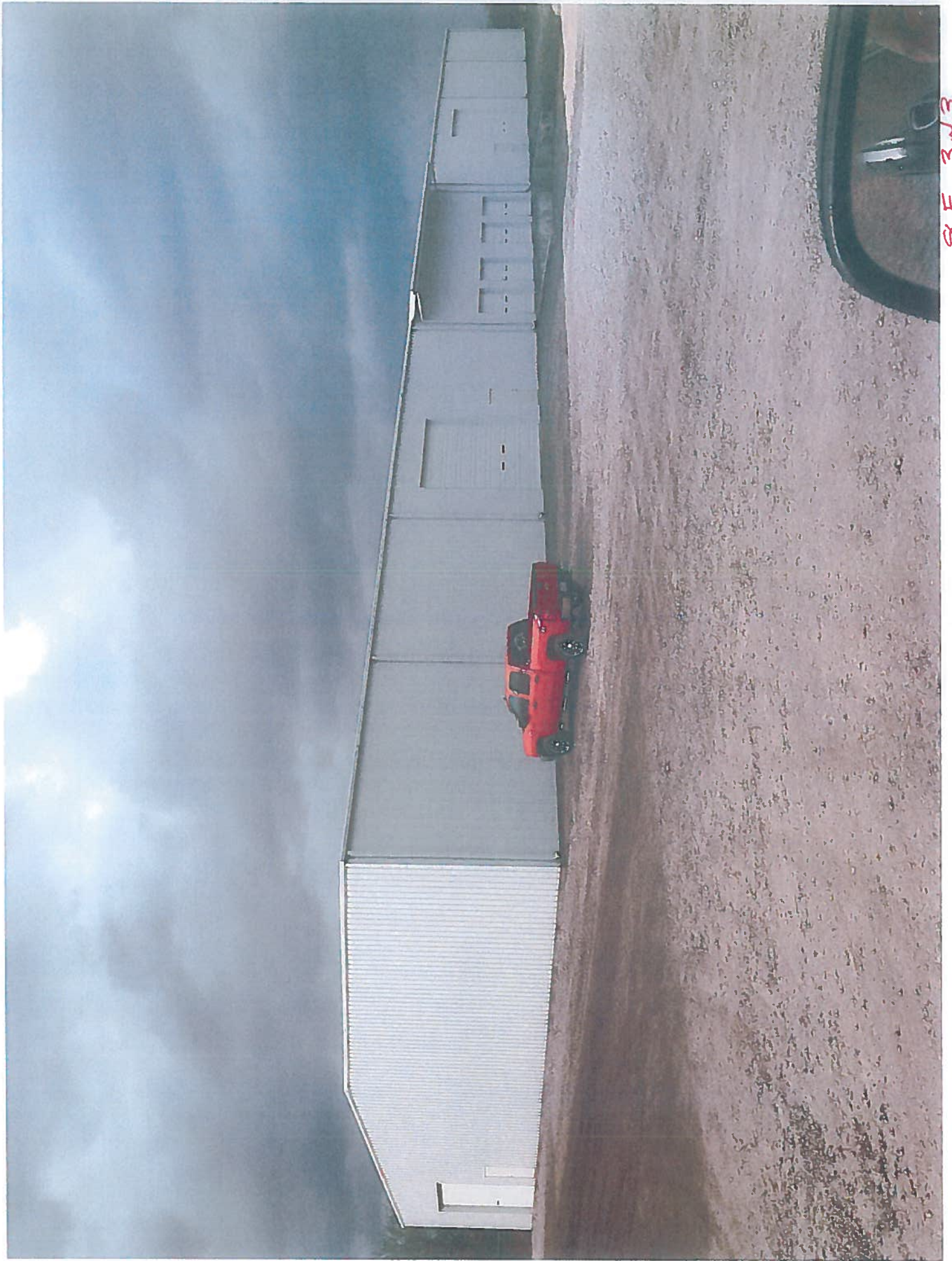
(H) Windblown. Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, and balloons. Flags, other than governmental or corporate, are prohibited. Exception: Balloons shall be permitted for three consecutive days for a grand opening event.

(I) Others not exempt. All other signs which are not expressly exempt from regulation and expressly permitted under this section.

(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, § 153.801.11, passed 9-3-13)



8.E. 243



9.E. 3 of 3

[illegible]

| PLACING STRAPS IN-IT | |
|----------------------|---------|
| FRONT STRAP | 20 FEET |
| SOX STRAP (WIDEN) | 18 FEET |
| SOX STRAP (NARROW) | 20 FEET |
| REAR STRAP | 25 FEET |

THE SURVEY SITE. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES OR WARRANTIES THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, AS MUCH AS THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR DOES NOT WARRANT OR GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE NOT AND HAVE NOT BEEN

[illegible][illegible]

FINANCING OF AIRCRAFT


[illegible]

FLOOD CERTIFICATION
 NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS
 DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM. FLOOD INSURANCE MAY BE
 OBTAINED THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 (SEE FLOOD INSURANCE MAPS)

GENERAL NOTES TO CONTRACTOR

[illegible]

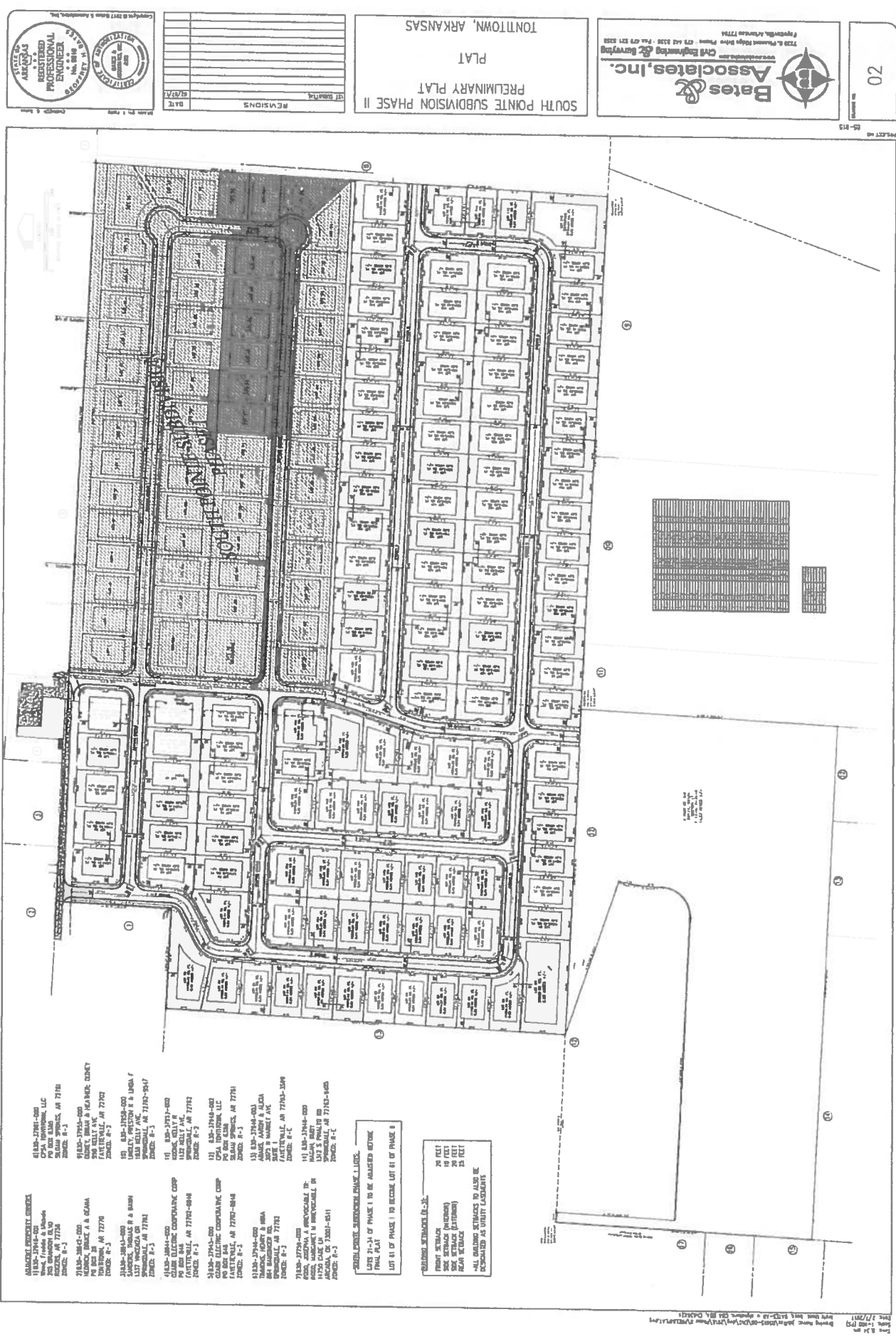
SOUTH POINTE SUBDIVISION PHASE II
PRELIMINARY PLAT
COVER SHEET
TONTTOWN, ARKANSAS

Bates & Associates, Inc.

 CNA Engineering & Surveying
 Phone: 479.442.1234 • Fax: 479.421.1233
 Fayetteville, Arkansas 72704
www.batesandassociates.com

1

8.F. 142

8.F.2x2



20

DATE: 12/1/2017

BY: [Signature]

FOR: [Signature]

PROJECT NAME: SOUTH POINTE SUBDIVISION PHASE II

LOCATION: TONTOWN, ARKANSAS

PLAT: 20

DATE: 12/1/2017

PREPARED BY: Bates & Associates, Inc.

ENGINEER: [Signature]

SURVEYOR: [Signature]

7230 E. Pleasant Ridge Drive Phone: 479.442.1234 Fax: 479.571.5235

Arkansas, Arkansas 72734

Bates & Associates, Inc.

Civil Engineering & Surveying

STATE OF ARKANSAS

REGISTERED PROFESSIONAL ENGINEER

NO. 1010

EXPIRATION DATE: 12/31/2018

STATE OF ARKANSAS

REGISTERED PROFESSIONAL SURVEYOR

NO. 1010

EXPIRATION DATE: 12/31/2018

Scale: 1"=200' (AS SHOWN)

North Arrow: [Symbol]

Notes: 1. All dimensions are in feet and inches.

2. All dimensions are to the center of the line.

3. All dimensions are to the outside of the line.

4. All dimensions are to the inside of the line.

5. All dimensions are to the center of the lot.

6. All dimensions are to the center of the street.

7. All dimensions are to the center of the easement.

8. All dimensions are to the center of the boundary.

9. All dimensions are to the center of the lot line.

10. All dimensions are to the center of the street line.

11. All dimensions are to the center of the easement line.

12. All dimensions are to the center of the boundary line.

13. All dimensions are to the center of the lot line.

14. All dimensions are to the center of the street line.

15. All dimensions are to the center of the easement line.

16. All dimensions are to the center of the boundary line.

17. All dimensions are to the center of the lot line.

18. All dimensions are to the center of the street line.

19. All dimensions are to the center of the easement line.

20. All dimensions are to the center of the boundary line.

9.A.

| | | |
|----------------------------------|-------------------|------------------|
| Building Activity Report: | YTD - 2017 | # Permits |
|----------------------------------|-------------------|------------------|

| |
|-------------------|
| YTD - 2016 |
|-------------------|

| |
|-----------------|
| Variance |
|-----------------|

| | | |
|--------------------------------|------------------------|------------|
| RESIDENTIAL VALUATION | \$ 7,762,867.45 | |
| COMMERCIAL VALUATION | \$ 1,646,258.00 | |
| RESIDENTIAL PERMIT FEES | \$ 31,490.83 | 30 |
| COMMERCIAL PERMIT FEES | \$ 4,504.62 | 2 |
| Other Permits | \$ 7,024.82 | 116 |
| Total Fees Assessed | \$ 53,620.27 | |

| |
|------------------------|
| \$ 3,539,205.25 |
| \$ 438,236.68 |
| \$ 14,665.73 |
| \$ 529.02 |
| \$ 2,215.55 |
| \$ 20,271.08 |

| |
|-----------------------|
| \$4,223,662.20 |
| \$1,208,021.32 |
| \$16,825.09 |
| \$3,975.60 |
| \$4,809.27 |
| \$33,349.20 |

