



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **November 28, 2017**
Project: **Chapter 150, 152, 153**
Planner: Courtney McNair

AGENDA ITEM

C

UPDATES TO CODE OF ORDINANCES

Chapter 150, 152, & 153

SUMMARY: Ordinance Updates to Chapter 150-Building Regulations, Chapter 152-Development and Subdivision Regulations, and Chapter 153-Zoning Regulations

The majority of these changes are for clarification, or to add information that was erroneously left out at the last code update.

CHAPTER 150- BUILDING REGULATIONS

- **Update 150.005**

STAFF ANALYSIS- The Board has determined that no Accessory Dwelling Units shall be allowed in Tontitown.

CURRENT CODE SHOWING ADJUSTMENTS

§ 150.005 PROCEDURES FOR CONSTRUCTION OF DWELLINGS.

(E) All dwellings, buildings and other structures constructed in the City of Tontitown, Arkansas, shall be constructed at a distance no less than ~~25~~ **30** feet from the owner's front property line or 40 feet from the center of any road in the front of the property, whichever is the greater distance.

(1) *Minimum requirements for dwellings.*

(a) In no case shall a primary dwelling consist of less than 1,000 heated square feet of floor area.

(b) ~~Accessory dwelling shall in no case consist of less than 576 heated square feet of floor area.~~ **Accessory dwellings are not allowed.**

(c) All dwellings, ~~primary or accessory~~, shall be constructed on a permanent foundation.

(d) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

CODE AS WILL READ

§ 150.005 PROCEDURES FOR CONSTRUCTION OF DWELLINGS.

(E) All dwellings, buildings and other structures constructed in the City of Tontitown, Arkansas, shall be constructed at a distance no less than 30 feet from the owner's front property line or 40 feet from the center of any road in the front of the property, whichever is the greater distance.

(1) *Minimum requirements for dwellings.*

(a) In no case shall a primary dwelling consist of less than 1,000 heated square feet of floor area.

(b) Accessory dwellings are not allowed.

(c) All dwellings, shall be constructed on a permanent foundation.

(d) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

CHAPTER 152- DEVELOPMENT AND SUBDIVISION REGULATIONS

- **Update 152.015**

STAFF ANALYSIS- These changes are for clarification and corrections.

CURRENT CODE SHOWING ADJUSTMENTS

§ 152.015 DEFINITIONS.

Definitions not expressly prescribed herein are to be construed in accordance with the customary usage in municipal planning and engineering practices. Whenever used in this regulation, the word “may” is permissive, while the word “shall” is to be interpreted in its mandatory sense. For the purpose of interpreting this regulation, certain words used herein are defined as follows:

AASHTO. American Association of State Highway and Transportation Officials.

ABUTTING. Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots that appear physically separated abut at said district line.

ACCESS. The way or means by which a piece of property is approached or entered.

ACCESS EASEMENT. An easement granted by an owner of land to provide access to a lot or parcel not fronting a street or roadway.

ADA. Americans with Disabilities Act.

AGENT (OF CITY). Person with delegated authority for a specific purpose.

~~—AHTD. Arkansas State Highway and Transportation Department.~~ **ARDOT. Arkansas Department of Transportation.**

ALLEY. A minor public right-of-way used for utility installations and vehicular access to the back or the side of properties abutting a street.

APPROVAL, CONDITIONAL. Approval of a plan, plat, or activity by the Commission subject to performance by the applicant of certain stipulated conditions.

BILL OF ASSURANCE. A private agreement attached to a plat which establishes property use and development rules specific to the properties in the particular subdivision and which may be binding upon subsequent owners of the property.

BLOCK. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.

BOARD OF ZONING ADJUSTMENT. The Board of Zoning Adjustment considers requests for relief (variances) from certain zoning ordinance provisions, and rules on matters of interpretation associated with the zoning ordinance.

BOND. Any form of security including a cash deposit, surety bond or instrument of credit in an amount and form satisfactory to the city.

BUFFER. A strip of land established to protect one type of land use from another. A buffer strip is landscaped and kept in open space.

BUFFER, PERIMETER LANDSCAPING. A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between, and reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

BUILDING CODE. Regulations established by local governments describing the minimum requirements for buildings; includes foundation, roofing, plumbing, electrical, and other specifications for safety and sanitation.

BUILDING LINE. A line parallel to a lot line establishing an area between it and the lot line where no portion of the building may be erected.

BUILDING SETBACKS. See **SETBACKS**.

CERTIFICATE OF COMPLETION OF IMPROVEMENTS. A statement by a developer’s engineer of record certifying that all improvements and installations are complete and built in conformance with the city’s specifications and this subdivision regulation.

CIRCUIT CLERK. The Washington County Circuit Clerk.

CITY. The City of Tontitown, Arkansas.

CITY LIMITS. The limits of the land area occupied by, and under jurisdiction of the City of Tontitown.

CITY STAFF. Employees and designees of the City of Tontitown.

COMMENCEMENT OF CONSTRUCTION. Any clearing of the land, excavation, construction, or

other substantial action that would adversely affect the natural environment of the site.

COMMISSION. The Planning Commission of the City of Tontitown, Arkansas.

COMPLETION DATE OF PROJECT. A date established by agreement between the planning commission and applicant as reached at time of preliminary plat approval.

COMPREHENSIVE PLAN. A composite of the mapped and written proposals, as adopted by the Planning Commission and City Council, whether in whole or in part, recommending the physical development of the community. Said plan includes, but not limited to, the planning area map, Land Use Plan, Master Street Plan and Master Street Plan Map for the city. ~~as posted to the Tontitown GIS system.~~

COUNCIL. The City Council of the City of Tontitown, Arkansas.

COUNTY. Washington County, Arkansas.

COVENANT. A provision in a deed limiting the use of the property and prohibiting certain uses.

CUL-DE-SAC. A street with only one outlet and being permanently terminated within the plat by a vehicular turnaround.

DBH. Diameter at breast height.

DEAD END STREET. A street having one end open to traffic and being permanently or temporarily terminated at the opposite end.

DEDICATION. Land and improvements offered to the city and accepted by the city for public use, control and maintenance. **DEDICATIONS** may include streets, alleys, rights-of-way, utility easements, drainage easements, or other easement as appropriate.

DEED. A legal document conveying ownership of real property.

DESIGN SPEED. The maximum safe speed that can be maintained over a specified section of roadway when conditions are so favorable that the design features of the roadway govern.

DETENTION POND. A stormwater management facility designed to protect against flooding and, in some cases, downstream erosion by storing stormwater runoff for a limited period of time. Water stored by a detention pond is subsequently released at a controlled rate equal to or less than the pre-development runoff rate that the facility is designed to maintain. A **DETENTION POND** is intended to be dry except during and after stormwater producing events.

DEVELOPER. That person, firm or corporation undertaking to develop a subdivision or any other type of land development as defined in these subdivision regulations.

DEVELOPMENT. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT PLAN. A drawing showing all proposed improvements to a piece of property including streets, parking lots, buildings, drives, signs, utilities, drainage, and grading by size and location.

DRAINAGE EASEMENT. An easement providing for the flow and removal of surface water across a property.

DRIVEWAY. An entrance to one or more properties created by the owner(s) thereof for the exclusive use and enjoyment of such properties and under the total control of such owner(s).

EASEMENT. A grant by a property owner or trustee for the use by the public, a corporation, or certain persons of a strip described area of land for specific purposes.

EGRESS. A means of exit from a property to a public street.

ENGINEER. A registered professional engineer in good standing, and licensed to practice in the State of Arkansas.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The federal agency that, in addition to carrying out other activities, oversees the administration of the National Flood Insurance Program.

FINAL PLAT APPROVAL. Approval of a plat that is in conformance with the preliminary plat along with all required financial guarantees.

FIRE APPARATUS ROAD. A roadway provided for use by emergency and fire vehicles to access a subdivision from a main artery. Full specifications are provided in the Arkansas Fire Prevention Code.

FIRE CHIEF. The appointed official of the City of Tontitown responsible for all functions of the Tontitown Fire Department.

FIRE MARSHAL. The Tontitown Fire Chief or his or her designee, responsible for enforcement of the adopted Fire Prevention Code.

FIRM. Flood Insurance Rate Map.

FLOODPLAIN. A geographic area susceptible to periodic inundation from overflow of natural waterways and determined as to extent by the Federal Emergency Management Agency (FEMA).

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community must review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available.

FRONTAGE ROAD. A street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

FUNCTIONAL CLASSIFICATION SYSTEM. The process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

HEALTH DEPARTMENT. The Washington County Health Department and/or Arkansas State Health Department.

HIGHWAY DEPARTMENT, STATE. ~~The Arkansas State Highway and Transportation Department.~~
Arkansas Department of Transportation.

HORIZONTAL DATUM. At its most basic level of definition, the **HORIZONTAL DATUM** is a collection of specific points on the earth that have been identified according to their precise northerly or southerly location (latitude) and easterly or westerly location (longitude) (National Geodetic Survey, 1986).

HORIZONTAL PROPERTY REGIME. Creation of a condominium project in which co-owners own free interests in units together with fractional interests in general common elements which determines the use to be made of improved land whether or not such improvement is composed of one or more separate buildings of one or more floors or stories.

HOUSING CODE. Part of the technical codes adopted by the City of Tontitown.

IMPROVEMENT. Any betterment of existing conditions of land such as, but not limited to, streets, curbs, gutters, sidewalks, trails, pavement, pedestrian ways, water mains, sanitary sewers, storm sewers, stormwater detention or retention facilities, signs, monuments, landscaping, streetlights, fire hydrants, or other actions resulting in permanent changes in the condition of the land.

IMPROVEMENT PLANS. The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision.

INCIDENTAL SUBDIVISION. The subdivision of land that does not require an applicant to go through the complete preliminary and final plat process. **INCIDENTAL SUBDIVISIONS** include lot splits, informal plats, property line adjustments and correction plats.

INGRESS. A means of entrance to a property from a city street.

INTERNATIONAL FIRE CODE. This title is used synonymously with the **ARKANSAS FIRE PREVENTION CODE.**

IRREVOCABLE LETTER OF CREDIT. A legal financial instrument in the form approved by the City of Tontitown. The instrument gives the right to a dollar amount to the city to guarantee construction or maintenance of improvements in a subdivision.

LAND SURVEYOR. An individual licensed to practice land surveying in the State of Arkansas.

LAND USE PLAN. A written plan with goals and objectives along with a map depicting and describing present land uses and future land uses expected in the city. This plan is approved by the City Council.

LARGE SCALE DEVELOPMENT. The development of a parcel or a lot within a platted subdivision. The term **DEVELOPMENT** shall include, but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a revision of land use that results in the need for access and utilities.

(LID) LOW IMPACT DRAINAGE DESIGN. A method of designing drainage systems or facilities to allow runoff to penetrate the ground in-place instead of concentrating runoff in structures or facilities.

LOT. A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public street, or other approved means of access. The **LOT** shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. The **LOT** shall establish one building site and comply with all subdivision rules and regulations of the city.

LOT, DOUBLE FRONTAGE. A lot that runs through a block from street to street and having

frontage on two non-intersecting streets.

LOT, REVERSE FRONTAGE. A double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

LOT SPLIT. A subdivision which involves the dividing or redesigning of an existing lot or lots within a block of a recorded subdivision and which does not involve the vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement, or involve improvements required by these regulations.

LUMEN. A unit of measure of the intensity of light produce by a lamp (bulb) as indicated by the manufacturer.

MASTER STREET PLAN. The plan made and adopted by the Planning Commission and accepted by the City Council classifying certain streets within the planning area as arterial or collector streets.

NWARPC. The Northwest Arkansas Regional Planning Commission.

OUTDOOR LIGHT FIXTURES, (OUTDOOR LIGHTING). An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for buildings and structures; recreational areas; parking lot lighting; landscape lighting; architectural lighting; product display area lighting; building overhangs; open canopies; and security lighting.

ONE HUNDRED-YEAR (100-YEAR) FLOOD. A flood with 1% chance of occurring in any year. The term is misleading because of its statistical derivation. A **100- YEAR FLOOD** may occur many times in any given 100-year period, or it may not occur at all in 100-years.

OUT LOTS. Parcels or tracts of land proposed as part of a large scale development for future use or development, or as part of a subdivision as non-conforming lots dedicated for stormwater detention, public uses, or use by a property owners association but not available for building purposes.

PARCEL. A division of land in contiguous ownership.

PAVED WIDTH. The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

PAVING. A substance which is concrete, asphalt, asphaltic seal coat over rock base, or any other approved quality paving material.

PEDESTRIAN ACCOMMODATION. To provide continuous pedestrian travel, segregated from vehicular traffic, within the subdivision and the subdivision boundary.

PERFORMANCE BOND or GUARANTEE. Any security which may be accepted in lieu of a requirement that certain improvements be made before the planning commission approves a final plat, including performance bonds by subdividers or improvement contractors, escrow agreements, letters of credit, and other similar collateral or surety agreements.

PLANNING AREA, MAP or BOUNDARY. The area within the city's territorial jurisdiction for which the Planning Commission has determined it will prepare plans and recommend ordinances and regulations; same being the **TONTITOWN PLANNING AREA**. The **PLANNING AREA** shall be the area in which provisions of Tontitown's subdivision regulations shall apply.

PLANNING COMMISSION. The Planning Commission of the City of Tontitown.

PLANNING OFFICIAL. The staff person having overall responsibility for administering these regulations.

PLAT. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PLAT, CORRECTION. A correction to an existing plat that is necessary due to an incorrect legal description or scribner errors.

PLAT, FINAL. A finished drawing showing completely and accurately all legal and engineering information and certifications necessary for recording, and includes the bill of assurance, if applicable.

PLAT, PRELIMINARY. A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspect, but is not in final form for recording and the details are not completely computed.

PLAT, SKETCH. An informal plan of the proposed subdivision to be submitted by the developer during the pre-application process, the purpose being to acquaint the developer with city plans and policies relevant to the proposed subdivision.

PRE-APPLICATION CONFERENCE. A meeting between planning officials and a developer to give the developer an opportunity to obtain advice concerning a proposed development or subdivision to

avoid unnecessary costs or delays, and to obtain informal guidance to prevent conflicts. This conference takes place before submission of the formal application for approval of a plan or a preliminary plat.

PRIVATE STREET. A street or roadway that is privately owned and maintained, and has not sought public funding in the past for the maintenance of said road. **PRIVATE ROADS** will not prohibit access by any police, emergency, utility, or other service vehicles.

PROPERTY LINE ADJUSTMENT. A transfer or adjustment of a property line that does not create a separate, new lot. A **PROPERTY LINE ADJUSTMENT** may or may not dedicate right-of-way or utility easements.

PROTECTIVE COVENANTS. Property restrictions established by the subdivider and recorded with the final plat of the subdivision.

PUBLIC UTILITY. A public or private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, sewer, natural gas, electricity, transportation, or communication, to the public.

QUORUM COURT. The Washington County Quorum Court (~~43~~ 15 Justices of Peace elected by district).

REPLAT. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.

RE-SUBDIVISION. The changing of any existing lot or lots of any subdivision plat previously recorded with the County Circuit Clerk. **RE-SUBDIVISION** includes new townhouse or condominium projects, and the conversion of rental townhouses or condominiums into private ownership. **RE-SUBDIVISION** also includes lots, parcels, units and real property converted to time-share units or estates.

RETENTION POND. A stormwater management facility designed to protect against flooding and, in some cases, downstream erosion by storing additional water in the form of stormwater runoff for a limited period of time.

(1) Additional water stored by a detention pond is subsequently released at a controlled rate equal to or less than the pre-development runoff rate that the facility is designed to maintain.

(2) A **RETENTION POND** is designed to retain water at all times and is sometimes referred to as a **WET DETENTION POND**.

RIGHT-OF-WAY. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat. Every **RIGHT-OF-WAY** is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots. **RIGHTS-OF-WAY** intended for streets, trails, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency or utility company, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

SETBACKS, BUILDING. Lines imposed on each lot or parcel where the placement of structures is restricted.

SKETCH PLANS. See **PLATS, SKETCH**.

STAFF. Employees and designees of the City of Tontitown.

STREET. A general term denoting a public or private thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, road, throughway, pike, avenue, boulevard, land, place, court, but shall not include an alley or a pedestrian way. For the purpose of this chapter, **STREETS** shall be classified as follows.

(1) **ARTERIAL STREETS.** Those streets designated as arterial, major and minor, on the Tontitown Master Street Plan.

(2) **COLLECTOR STREETS.** Those streets designated as collector and sub-collector streets on the Master Street Plan.

(3) **RESIDENTIAL STREETS.** Streets that are used primarily for access to abutting properties.

(4) **LOOP STREETS.** Minor streets that begin from one minor street and curve to end on the same minor street.

(5) **CUL-DE-SAC.** Short local streets having one end open to traffic and being permanently terminated at the other end by a circular area which permits vehicles to turn around without having to stop and back up.

(6) **DEAD-END STREETS.** Those streets that have terminated at one end where vehicles must

stop and back up in order to turn around.

STREET, EXISTING. Any street that has a minimum width of 18 feet of hard surfaced material. Gravel roads or roads which are in extremely poor condition will not qualify as an **EXISTING STREET** for purposes of this regulation.

STREET WIDTH. The width of the street used for traffic or when curbs are used the distance from back of curb to back of curb.

STRUCTURE. Anything inanimate constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including roof overhangs, carports, garages, porches, and other similar structures.

SUBDIVIDER. Any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

SUBDIVISION. The division of any parcel of land into separate lots, units or building sites for the purpose (whether immediate or future) of sale or building development.

SUBDIVISION, MINOR. A subdivision of land into five or less lots, parcels or other divisions.

SURVEYOR. See **LAND SURVEYOR.**

SWALE, DRAINAGE. A shallow trough-like depression that carries water mainly during rainstorms.

TERRITORIAL JURISDICTION. The territory surrounding the city, as defined in state planning statutes, within which the city's planning area is constrained.

TRACT. A specified or limited area of land, normally measured by a metes and bounds description.

USE. The purpose for which land or a building is designed, arranged, or intended, or for which either is, or may be, occupied or maintained.

USGS. United States Geological Survey.

UTILITY EASEMENT. A grant by a property owner or trustee for the use by the public, a corporation, or certain persons of a described area of land by public or private utilities.

VACATION. Legal abandonment of a platted street right-of-way or easement.

VARIANCE. An official dispensation to act contrary to a zoning regulation.

VERTICAL DATUM. Used to measure heights given on maps. The starting point for measuring these heights are mean sea level points established at coastal places.

WAIVER. Permission from the Planning Commission to depart from certain requirements herein.

WATERCOURSE (WET OR DRY). A running stream of water having a bed and banks; or the easement one may have in the flowing of such a stream in its accustomed course.

A **WATERCOURSE** may sometimes be dry.

ZONING ORDINANCE. Laws that control the use of land within the city.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.200.01, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14)

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FUNCTIONAL CLASSIFICATION SYSTEM. The process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

HEALTH DEPARTMENT. The Washington County Health Department and/or Arkansas State Health Department.

HIGHWAY DEPARTMENT, STATE. -Arkansas Department of Transportation.

HORIZONTAL DATUM. At its most basic level of definition, the **HORIZONTAL DATUM** is a collection of specific points on the earth that have been identified according to their precise northerly or southerly location (latitude) and easterly or westerly location (longitude) (National Geodetic Survey, 1986).

HORIZONTAL PROPERTY REGIME. Creation of a condominium project in which co-owners own free interests in units together with fractional interests in general common elements which determines the use to be made of improved land whether or not such improvement is composed of one or more separate buildings of one or more floors or stories.

HOUSING CODE. Part of the technical codes adopted by the City of Tontitown.

IMPROVEMENT. Any betterment of existing conditions of land such as, but not limited to, streets, curbs, gutters, sidewalks, trails, pavement, pedestrian ways, water mains, sanitary sewers, storm sewers, stormwater detention or retention facilities, signs, monuments, landscaping, streetlights, fire hydrants, or other actions resulting in permanent changes in the condition of the land.

IMPROVEMENT PLANS. The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision.

INCIDENTAL SUBDIVISION. The subdivision of land that does not require an applicant to go through the complete preliminary and final plat process. **INCIDENTAL SUBDIVISIONS** include lot splits, informal plats, property line adjustments and correction plats.

INGRESS. A means of entrance to a property from a city street.

INTERNATIONAL FIRE CODE. This title is used synonymously with the **ARKANSAS FIRE PREVENTION CODE.**

IRREVOCABLE LETTER OF CREDIT. A legal financial instrument in the form approved by the City of Tontitown. The instrument gives the right to a dollar amount to the city to guarantee construction or maintenance of improvements in a subdivision.

LAND SURVEYOR. An individual licensed to practice land surveying in the State of Arkansas.

LAND USE PLAN. A written plan with goals and objectives along with a map depicting and describing present land uses and future land uses expected in the city. This plan is approved by the City Council.

LARGE SCALE DEVELOPMENT. The development of a parcel or a lot within a platted subdivision. The term **DEVELOPMENT** shall include, but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a revision of land use that results in the need for access and utilities.

(LID) LOW IMPACT DRAINAGE DESIGN. A method of designing drainage systems or facilities to allow runoff to penetrate the ground in-place instead of concentrating runoff in structures or facilities.

LOT. A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public street, or other approved means of access. The **LOT** shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. The **LOT** shall establish one building site and comply with all subdivision rules and regulations of the city.

LOT, DOUBLE FRONTAGE. A lot that runs through a block from street to street and having frontage on two non-intersecting streets.

LOT, REVERSE FRONTAGE. A double frontage lot that is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

LOT SPLIT. A subdivision which involves the dividing or redesigning of an existing lot or lots within a block of a recorded subdivision and which does not involve the vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement, or involve improvements required by these regulations.

LUMEN. A unit of measure of the intensity of light produce by a lamp (bulb) as indicated by the manufacturer.

MASTER STREET PLAN. The plan made and adopted by the Planning Commission and accepted by the City Council classifying certain streets within the planning area as arterial or collector streets.

NWARPC. The Northwest Arkansas Regional Planning Commission.

OUTDOOR LIGHT FIXTURES, (OUTDOOR LIGHTING). An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for buildings and structures; recreational areas; parking lot lighting; landscape lighting; architectural lighting; product display area lighting; building overhangs; open canopies; and security lighting.

ONE HUNDRED-YEAR (100-YEAR) FLOOD. A flood with 1% chance of occurring in any year. The term is misleading because of its statistical derivation. A **100- YEAR FLOOD** may occur many times in any given 100-year period, or it may not occur at all in 100-years.

OUT LOTS. Parcels or tracts of land proposed as part of a large scale development for future use or development, or as part of a subdivision as non-conforming lots dedicated for stormwater detention, public uses, or use by a property owners association but not available for building purposes.

PARCEL. A division of land in contiguous ownership.

PAVED WIDTH. The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

PAVING. A substance which is concrete, asphalt, asphaltic seal coat over rock base, or any other approved quality paving material.

PEDESTRIAN ACCOMMODATION. To provide continuous pedestrian travel, segregated from vehicular traffic, within the subdivision and the subdivision boundary.

PERFORMANCE BOND or GUARANTEE. Any security which may be accepted in lieu of a requirement that certain improvements be made before the planning commission approves a final plat, including performance bonds by subdividers or improvement contractors, escrow agreements, letters of credit, and other similar collateral or surety agreements.

PLANNING AREA, MAP or BOUNDARY. The area within the city's territorial jurisdiction for which the Planning Commission has determined it will prepare plans and recommend ordinances and regulations; same being the **TONTITOWN PLANNING AREA**. The **PLANNING AREA** shall be the area in which provisions of Tontitown's subdivision regulations shall apply.

PLANNING COMMISSION. The Planning Commission of the City of Tontitown.

PLANNING OFFICIAL. The staff person having overall responsibility for administering these regulations.

PLAT. A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PLAT, CORRECTION. A correction to an existing plat that is necessary due to an incorrect legal description or scribner errors.

PLAT, FINAL. A finished drawing showing completely and accurately all legal and engineering information and certifications necessary for recording, and includes the bill of assurance, if applicable.

PLAT, PRELIMINARY. A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspect, but is not in final form for recording and the details are not completely computed.

PLAT, SKETCH. An informal plan of the proposed subdivision to be submitted by the developer during the pre-application process, the purpose being to acquaint the developer with city plans and policies relevant to the proposed subdivision.

PRE-APPLICATION CONFERENCE. A meeting between planning officials and a developer to give the developer an opportunity to obtain advice concerning a proposed development or subdivision to avoid unnecessary costs or delays, and to obtain informal guidance to prevent conflicts. This conference takes place before submission of the formal application for approval of a plan or a preliminary plat.

PRIVATE STREET. A street or roadway that is privately owned and maintained, and has not sought public funding in the past for the maintenance of said road. **PRIVATE ROADS** will not prohibit access by any police, emergency, utility, or other service vehicles.

PROPERTY LINE ADJUSTMENT. A transfer or adjustment of a property line that does not create a separate, new lot. A **PROPERTY LINE ADJUSTMENT** may or may not dedicate right-of-way or utility easements.

PROTECTIVE COVENANTS. Property restrictions established by the subdivider and recorded with the final plat of the subdivision.

PUBLIC UTILITY. A public or private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, sewer, natural gas, electricity, transportation, or communication, to the public.

QUORUM COURT. The Washington County Quorum Court (15 Justices of Peace elected by district).

REPLAT. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.

RE-SUBDIVISION. The changing of any existing lot or lots of any subdivision plat previously recorded with the County Circuit Clerk. **RE-SUBDIVISION** includes new townhouse or condominium projects, and the conversion of rental townhouses or condominiums into private ownership. **RE-SUBDIVISION** also includes lots, parcels, units and real property converted to time-share units or estates.

RETENTION POND. A stormwater management facility designed to protect against flooding and, in some cases, downstream erosion by storing additional water in the form of stormwater runoff for a limited period of time.

(1) Additional water stored by a detention pond is subsequently released at a controlled rate equal to or less than the pre-development runoff rate that the facility is designed to maintain.

(2) A **RETENTION POND** is designed to retain water at all times and is sometimes referred to as a **WET DETENTION POND**.

RIGHT-OF-WAY. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat. Every **RIGHT-OF-WAY** is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots. **RIGHTS-OF-WAY** intended for streets, trails, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency or utility company, shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

SETBACKS, BUILDING. Lines imposed on each lot or parcel where the placement of structures is restricted.

SKETCH PLANS. See **PLATS, SKETCH**.

STAFF. Employees and designees of the City of Tontitown.

STREET. A general term denoting a public or private thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, road, throughway, pike, avenue, boulevard, land, place, court, but shall not include an alley or a pedestrian way. For the purpose of this chapter, **STREETS** shall be classified as follows.

(1) **ARTERIAL STREETS.** Those streets designated as arterial, major and minor, on the Tontitown Master Street Plan.

(2) **COLLECTOR STREETS.** Those streets designated as collector and sub-collector streets on the Master Street Plan.

(3) **RESIDENTIAL STREETS.** Streets that are used primarily for access to abutting properties.

(4) **LOOP STREETS.** Minor streets that begin from one minor street and curve to end on the same minor street.

(5) **CUL-DE-SAC.** Short local streets having one end open to traffic and being permanently terminated at the other end by a circular area which permits vehicles to turn around without having to stop and back up.

(6) **DEAD-END STREETS.** Those streets that have terminated at one end where vehicles must stop and back up in order to turn around.

STREET, EXISTING. Any street that has a minimum width of 18 feet of hard surfaced material. Gravel roads or roads which are in extremely poor condition will not qualify as an **EXISTING STREET** for purposes of this regulation.

STREET WIDTH. The width of the street used for traffic or when curbs are used the distance from back of curb to back of curb.

STRUCTURE. Anything inanimate constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including roof overhangs, carports, garages, porches, and other similar structures.

SUBDIVIDER. Any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

SUBDIVISION. The division of any parcel of land into separate lots, units or building sites for the purpose (whether immediate or future) of sale or building development.

SUBDIVISION, MINOR. A subdivision of land into five or less lots, parcels or other divisions.

SURVEYOR. See **LAND SURVEYOR**.

SWALE, DRAINAGE. A shallow trough-like depression that carries water mainly during rainstorms.

TERRITORIAL JURISDICTION. The territory surrounding the city, as defined in state planning statutes, within which the city's planning area is constrained.

TRACT. A specified or limited area of land, normally measured by a metes and bounds description.

USE. The purpose for which land or a building is designed, arranged, or intended, or for which either is, or may be, occupied or maintained.

USGS. United States Geological Survey.

UTILITY EASEMENT. A grant by a property owner or trustee for the use by the public, a corporation, or certain persons of a described area of land by public or private utilities.

VACATION. Legal abandonment of a platted street right-of-way or easement.

VARIANCE. An official dispensation to act contrary to a zoning regulation.

VERTICAL DATUM. Used to measure heights given on maps. The starting point for measuring these heights are mean sea level points established at coastal places.

WAIVER. Permission from the Planning Commission to depart from certain requirements herein.

WATERCOURSE (WET OR DRY). A running stream of water having a bed and banks; or the easement one may have in the flowing of such a stream in its accustomed course.

A **WATERCOURSE** may sometimes be dry.

ZONING ORDINANCE. Laws that control the use of land within the city.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.200.01, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14)

- **Update Code 152-025**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

§ 152.025 ADMINISTRATION.

(A) These rules and regulations shall be administered by the Planning Commission and the city staff. The Commission may, from time to time, recommend instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be better informed and that approval of plats be expedited.

(B) In addition to the requirements established herein, all subdivision plats shall comply with all other, current and future, applicable rules, regulations and laws including but not limited to the Land Use Plan, the Master Street Plan, and the zoning ordinance, building and housing codes, and any other regulations adopted by the City Council, and any regulations or special requirements of the State Health Department, ~~State Highway and Transportation Department~~ **Arkansas Department of Transportation**, or other appropriate state agencies.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.300.01, passed 9-3-13)

CODE AS WILL READ

§ 152.025 ADMINISTRATION.

(A) These rules and regulations shall be administered by the Planning Commission and the city staff. The Commission may, from time to time, recommend instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be better informed and that approval of plats be expedited.

(B) In addition to the requirements established herein, all subdivision plats shall comply with all other, current and future, applicable rules, regulations and laws including but not limited to the Land Use Plan, the Master Street Plan, and the zoning ordinance, building and housing codes, and any other regulations adopted by the City Council, and any regulations or special requirements of the State Health Department, Arkansas Department of Transportation, or other appropriate state agencies.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.300.01, passed 9-3-13)

- **Update Code 152-060**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.060 APPLICABILITY.

An application for final plat approval may be submitted for Planning Commission approval when one of the following requirements is met:

(A) *Improvements complete.* The final plat of the proposed subdivision or an approved phase may be submitted to the Planning Commission for final approval at the time of completion of improvements shown on the preliminary plat.

(1) *Certificate of completion.* The owner/developer's engineer-of-record submits a statement certifying that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made, added, or installed in accordance with city specifications.

(2) *Final inspection.* The ~~City Engineer~~, City Building Official or their designees conducts and certifies a final inspection.

(B) *Improvements substantially complete.* When the subdivision is substantially complete, as provided for in § [152.067](#), and owner/developer guarantees completion of the remaining items, as provided for in § [152.068](#), in accordance with § [152.030](#), the final plat may be submitted for final approval.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.500.01, passed 9-3-13)

CODE AS WILL READ

152.060 APPLICABILITY.

An application for final plat approval may be submitted for Planning Commission approval when one of the following requirements is met:

(A) *Improvements complete.* The final plat of the proposed subdivision or an approved phase may be submitted to the Planning Commission for final approval at the time of completion of improvements shown on the preliminary plat.

(1) *Certificate of completion.* The owner/developer's engineer-of-record submits a statement certifying that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made, added, or installed in accordance with city specifications.

(2) *Final inspection.* The City Building Official or their designees conducts and certifies a final inspection.

(B) *Improvements substantially complete.* When the subdivision is substantially complete, as provided for in § [152.067](#), and owner/developer guarantees completion of the remaining items, as provided for in § [152.068](#), in accordance with § [152.030](#), the final plat may be submitted for final approval.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.500.01, passed 9-3-13)

- **Update Code 152-061**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.061 APPLICATION FOR FINAL PLAT.

When the requirements of these regulations have been satisfied and while the preliminary plat approval is in effect, the owner/developer shall submit to the Planning Commission an application for review and approval of the final plat pursuant to the Tontitown development calendar which shall consist of: application. A completed application requesting review and approval of the final plat.

(A) *Plat*. The final plat in the number of prints as indicated on the application form, with all items required for a final plat as provided for in §§ [152.115](#) through [152.117](#), and other documents as specified in the application.

(B) *Fee*. Payment of the filing fee as specified in final plat application or schedule of fees.

(C) *Digital copy*. The owner/developer must submit with an application for final plat approval, the proposed final plat in digital form with all information in ~~AutoCAD (DWG)~~ PDF format on CD. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, and any other information that the Planning Commission may require. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the City Engineer or the Planning Clerk.

(D) *Donated assets*. Approved estimate of donated assets, broken down by improvement type (streets, water, electric, sewer, drainage, and sidewalks), as prepared by the engineer-of-record and approved by the City Engineer or their designee.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.500.02, passed 9-3-13)

CODE AS WILL READ

152.061 APPLICATION FOR FINAL PLAT.

When the requirements of these regulations have been satisfied and while the preliminary plat approval is in effect, the owner/developer shall submit to the Planning Commission an application for review and approval of the final plat pursuant to the Tontitown development calendar which shall consist of: application. A completed application requesting review and approval of the final plat.

(A) *Plat*. The final plat in the number of prints as indicated on the application form, with all items required for a final plat as provided for in §§ [152.115](#) through [152.117](#), and other documents as specified in the application.

(B) *Fee*. Payment of the filing fee as specified in final plat application or schedule of fees.

(C) *Digital copy*. The owner/developer must submit with an application for final plat approval, the proposed final plat in digital form with all information in PDF format on CD. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, and any other information that the Planning Commission may require. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the City Engineer or the Planning Clerk.

(D) *Donated assets*. Approved estimate of donated assets, broken down by improvement type (streets, water, electric, sewer, drainage, and sidewalks), as prepared by the engineer-of-record and approved by the City Engineer or their designee.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.500.02, passed 9-3-13)

- **Update Code 152-072**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

DIVISION 7. ACCESSORY USES

Sec. 153-072. Location Requirements and Standards.

An accessory building shall not be located within a required street (front or street side) setback; shall be subject to all setback standards of the underlying zoning district; shall not be located within any public easement or over any known utilities or septic system lines. Accessory buildings, in all zones, shall not exceed the ~~floor area~~ **gross floor area** of the principal use **or** as noted below, **as long as the zoning district listed meets minimum lot size**. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

A.	N/A
RE	N/A
R-1	100%
R-2	100%
R-3	67%
R-3L	67%
R-MF	67%
R-MH	67%

****Note** If the primary use is residential, and it is located in a commercial or industrial zoning district, the setback requirements would follow the zoning district in which located.**

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet (10') from any other structure or as provided in the building code whichever is more restrictive.

With regard to height limitations, accessory structures in residential districts shall not exceed the height of the primary structure, measured from the eave; and in commercial and industrial districts, such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot.

CODE AS WILL READ

DIVISION 7. ACCESSORY USES

Sec. 153-072. Location Requirements and Standards.

An accessory building shall not be located within a required street (front or street side) setback; shall be subject to all setback standards of the underlying zoning district; shall not be located within any public easement or over any known utilities or septic system lines. Accessory buildings, in all zones, shall not exceed the gross floor area of the principal use or as noted below, as long as the zoning district listed meets minimum lot size. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.

A.	N/A
RE	N/A
R-1	100%
R-2	100%
R-3	67%
R-3L	67%
R-MF	67%
R-MH	67%

****Note**** If the primary use is residential, and it is located in a commercial or industrial zoning district, the setback requirements would follow the zoning district in which located.

An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet (10') from any other structure or as provided in the building code whichever is more restrictive.

With regard to height limitations, accessory structures in residential districts shall not exceed the height of the primary structure, measured from the eave; and in commercial and industrial districts, such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot.

- **Update Code 152-082**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS
152.082 REVIEW AND APPROVAL.

(A) *Review.*

(1) *Applicability.* The Planning Department, and City Engineer **as needed**, shall review minor subdivisions, property line adjustments and correction plats. All applications for waivers shall require approval of the Planning Commission.

(2) *Action.* The Planning Department shall approve with conditions, or disapprove said plat. After formal approval by the Department, a building permit can be issued after the applicant records the plat at the office of the County Circuit Clerk and provides the city with two copies. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his or her agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.

(3) *Additional review.* If the planning staff determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he or she shall notify the developer in writing within 30 days of receipt of plans, that a decision will not be made within the 30-day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of the letter shall be sent to the Chairman of the Planning Commission. If the developer objects to such an extension, the objection shall be heard as a priority item at the next regularly scheduled Planning Commission meeting.

(4) *Approval signatures.* All approvals to any plat shall be signified by the signature of the Planning Commission Chairman upon the development plan.

(B) *Planning Commission action.* The Planning Commission shall review any incidental subdivision after administrative review as set forth in division (A) within 120 days of receipt thereof, otherwise the incidental subdivision shall be deemed to have been approved. Approval of the incidental subdivision by the Planning Department shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

(C) *City Council action.* Any incidental subdivision that dedicates street rights-of-way or easements shall be reviewed by the City Council.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.600.03, passed 9-3-13; Am. Ord. 2015-07-530, passed 7-21-15)

CODE AS WILL READ

152.082 REVIEW AND APPROVAL.

(A) *Review.*

(1) *Applicability.* The Planning Department, and City Engineer as needed, shall review minor subdivisions, property line adjustments and correction plats. All applications for waivers shall require approval of the Planning Commission.

(2) *Action.* The Planning Department shall approve with conditions, or disapprove said plat. After formal approval by the Department, a building permit can be issued after the applicant records the plat at the office of the County Circuit Clerk and provides the city with two copies. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his or her agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.

(3) *Additional review.* If the planning staff determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he or she shall notify the developer in writing within 30 days of receipt of plans, that a decision will not be made within the 30-day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of the letter shall be sent to the Chairman of the Planning Commission. If the developer objects to such an extension, the objection shall be heard as a priority item at the next regularly scheduled Planning Commission meeting.

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(B) *Planning Commission action.* The Planning Commission shall review any incidental subdivision after administrative review as set forth in division (A) within 120 days of receipt thereof, otherwise the incidental subdivision shall be deemed to have been approved. Approval of the incidental subdivision by the Planning Department shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

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(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.600.03, passed 9-3-13; Am. Ord. 2015-07-530, passed 7-21-15)

- **Update Code 152-083**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.083 RECORDING.

If approved, and after all conditions have been met, the applicant shall submit the plat for recording with the Washington County Circuit Clerk. Two copies and digital copy in AutoCAD (DWG) and PDF format on CD of the final recorded plat shall be furnished by the applicant to the Planning **Official Clerk**.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.600.04, passed 9-3-13)

CODE AS WILL READ

152.083 RECORDING.

If approved, and after all conditions have been met, the applicant shall submit the plat for recording with the Washington County Circuit Clerk. Two copies and digital copy in AutoCAD (DWG) and PDF format on CD of the final recorded plat shall be furnished by the applicant to the Planning Official.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.600.04, passed 9-3-13)

- **Update Code 152-095**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

LARGE SCALE DEVELOPMENTS

§ 152.095 APPLICABILITY.

(A) This section is applicable to all Commercial, Industrial and Multi-Family Residential construction within the city.

(B) A development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(C) Single family and duplex residential construction is specifically exempted from this requirement.

(D) (1) Examples of facilities or construction covered, but not limited to:

(2) New commercial, industrial, or civic development and building construction.

(E) (1) Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

(2) The revision of land use that results in the need to access to public streets or utilities.

(F) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this subchapter. No permanent connection to utilities shall be allowed until the ~~Chief~~ Building Official has certified compliance with the approved development plan.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.01, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14; Am. Ord. 2015-07-530, passed 7-21-15)

CODE AS WILL READ

LARGE SCALE DEVELOPMENTS

§ 152.095 APPLICABILITY.

(A) This section is applicable to all Commercial, Industrial and Multi-Family Residential construction within the city.

(B) A development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.

(C) Single family and duplex residential construction is specifically exempted from this requirement.

(D) (1) Examples of facilities or construction covered, but not limited to:

(2) New commercial, industrial, or civic development and building construction.

(E) (1) Additions or improvements to existing buildings or developments that increase the overall square footage of the current structure(s) or development by more than 50%, not to exceed 3,999 square feet.

(2) The revision of land use that results in the need to access to public streets or utilities.

(F) No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this subchapter. No permanent connection to utilities shall be allowed until the Building Official has certified compliance with the approved development plan.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.01, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14; Am. Ord. 2015-07-530, passed 7-21-15)

- **Update Code 152-097**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.097 APPLICATION FOR APPROVAL.

(A) Development plans are to be submitted to the Planning Office pursuant to the Tontitown development calendar and shall be reviewed upon their individual merits upon specific application of the developer.

(B) The development plans shall comply with §§ [152.115](#) through [152.117](#).

(C) The Planning Commission shall be permitted (upon review and approval by city engineer and city planner) to waive certain requirements of the plat and plan requirements, depending on the size and complexity of the building or development and upon the impact which the building or development may have on the Master Street Plan, zoning ordinance, and the Land Use Plan or any other published, current or future, plans for the city.

(D) Unless given a waiver under division (C) above the application for approval must contain the following at a minimum to be considered:

- (1) *Application.* Complete the application provided by the Planning **Official Clerk**.
- (2) *Fee.* Payment of the fee as indicated on the application.
- (3) *Plans.* The number of copies of development plans and landscaping plans as identified on the application. All appropriate items as required by §§ [152.115](#) through [152.117](#).
- (4) *Deed.* Copy of land deed showing ownership of property.
- (5) *Submittal to other departments.* The developer shall submit to the Planning Commission and representatives for the water, sewer and electrical consultants or agencies, as required by the Planning Commission, sufficient copies of the development plan drawn to scale. The plan shall be submitted containing a development plan, landscape or planting plan, utility plan, detail sheet and erosion control plans, grading and drainage plans, and any other information required by the Planning Commission.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.03, passed 9-3-13)

CODE AS WILL READ

152.097 APPLICATION FOR APPROVAL.

(A) Development plans are to be submitted to the Planning Office pursuant to the Tontitown development calendar and shall be reviewed upon their individual merits upon specific application of the developer.

(B) The development plans shall comply with §§ [152.115](#) through [152.117](#).

(C) The Planning Commission shall be permitted (upon review and approval by city engineer and city planner) to waive certain requirements of the plat and plan requirements, depending on the size and complexity of the building or development and upon the impact which the building or development may have on the Master Street Plan, zoning ordinance, and the Land Use Plan or any other published, current or future, plans for the city.

(D) Unless given a waiver under division (C) above the application for approval must contain the following at a minimum to be considered:

- (1) *Application.* Complete the application provided by the Planning Official.
- (2) *Fee.* Payment of the fee as indicated on the application.
- (3) *Plans.* The number of copies of development plans and landscaping plans as identified on the application. All appropriate items as required by §§ [152.115](#) through [152.117](#).
- (4) *Deed.* Copy of land deed showing ownership of property.
- (5) *Submittal to other departments.* The developer shall submit to the Planning Commission and representatives for the water, sewer and electrical consultants or agencies, as required by the Planning Commission, sufficient copies of the development plan drawn to scale. The plan shall be submitted containing a development plan, landscape or planting plan, utility plan, detail sheet and erosion control plans, grading and drainage plans, and any other information required by the Planning Commission.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.03, passed 9-3-13)

- **Update Code 152-098**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.098 REVIEW AND APPROVAL.

(A) *Administrative review.*

(1) *Applicability.* The **Planning Official**/City Engineer shall administratively review:

(a) *Residential.* Any residential development not exceeding two family units.

(2) *Action.* Within 30 days of receipt of the complete large scale development plans by the Planning Commission, the Commission shall recommend for approval, approval with conditions, or disapproval of the plans. If the Planning Commission recommends, a signed copy of plan will be forwarded to the developer. If the plans are approved with conditions, the conditions shall be set forth in minutes of the Planning Commission meeting. If revised plans and proof of performance are not provided to the Planning Commission within 14 days of Planning Commission approval or their action is revoked. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.

(3) *Additional review.* If the Planning Commission determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he or she shall notify the developer in writing within the 14-day period that a decision will not be made within the 14-day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of the letter shall be sent the Chairman of the Tontitown Planning Commission. If the developer objects to such an extension, the objection shall be heard as a priority item at the next regular Planning Commission meeting.

(4) *Approval signatures.* All approvals to any development plan shall bear the signature of the Chairman of the Planning Commission upon the development plan.

(B) *Planning Commission action.* All developments shall be submitted to the Planning Commission, which shall approve, approve with conditions, or disapprove the submitted plan. The Planning Commission is required to take such action within 45 days of submission unless the applicant agrees to a postponement. All Planning Commission approvals to any development plan shall be signified by the signature on the development plan of the Chairman of the Planning Commission.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.04, passed 9-3-13)

CODE AS WILL READ

152.098 REVIEW AND APPROVAL.

(A) *Administrative review.*

(1) *Applicability.* The Planning Official/City Engineer shall administratively review:

(a) *Residential.* Any residential development not exceeding two family units.

(2) *Action.* Within 30 days of receipt of the complete large scale development plans by the Planning Commission, the Commission shall recommend for approval, approval with conditions, or disapproval of the plans. If the Planning Commission recommends, a signed copy of plan will be forwarded to the developer. If the plans are approved with conditions, the conditions shall be set forth in minutes of the Planning Commission meeting. If revised plans and proof of performance are not provided to the Planning Commission within 14 days of Planning Commission approval or their action is revoked. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.

(3) *Additional review.* If the Planning Commission determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he or she shall notify the developer in writing within the 14-day period that a decision will not be made within the 14-day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of the letter shall be sent the Chairman of the Tontitown Planning Commission. If the developer objects to such an extension, the objection shall be heard as a priority item at the next regular Planning Commission meeting.

(4) *Approval signatures.* All approvals to any development plan shall bear the signature of the Chairman of the Planning Commission upon the development plan.

(B) *Planning Commission action.* All developments shall be submitted to the Planning Commission, which shall approve, approve with conditions, or disapprove the submitted plan. The Planning Commission is required to take such action within 45 days of submission unless the applicant agrees to a postponement. All Planning Commission approvals to any development plan shall be signified by the signature on the development plan of the Chairman of the Planning Commission.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.04, passed 9-3-13)

- **Update Code 152-103**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.103 APPLICATION FOR BUILDING PERMIT.

(A) Upon approval or conditional approval of the large scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit:

- (1) Letters of approval from ~~AHTD~~ **ARDOT**, State Department of Health, or any other department requiring state or local government entity approval;
- (2) A 36-month replacement guarantee from the supplier or property owner on all live plant material used in the landscape plan; and
- (3) Any large scale development that has over \$20,000 of donated assets, as determined by the engineer of record that is to be dedicated to the city shall provide a maintenance letter of credit, bond, or cash deposit in accordance with the requirements in § [152.031](#) and a warranty in accordance with the requirements in § [152.030](#).

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.09, passed 9-3-13)

CODE AS WILL READ

152.103 APPLICATION FOR BUILDING PERMIT.

(A) Upon approval or conditional approval of the large scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit:

- (1) Letters of approval from ARDOT, State Department of Health, or any other department requiring state or local government entity approval;
- (2) A 36-month replacement guarantee from the supplier or property owner on all live plant material used in the landscape plan; and
- (3) Any large scale development that has over \$20,000 of donated assets, as determined by the engineer of record that is to be dedicated to the city shall provide a maintenance letter of credit, bond, or cash deposit in accordance with the requirements in § [152.031](#) and a warranty in accordance with the requirements in § [152.030](#).

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.09, passed 9-3-13)

- **Update Code 152-104**

STAFF ANALYSIS- These changes are for clarification.

CURRENT CODE SHOWING ADJUSTMENTS

152.104 FINAL INSPECTION.

(A) *Purpose.* The purpose of the large scale development final inspection (development final) is to ensure the completed project complies with the Master Street Plan, subdivision ordinance, zoning ordinance, and any other, current or future, governing specifications and regulations of the city.

(B) *Process.*

(1) *Certificate of completion.* When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations to the large scale development required for its approval under the terms of these regulations have been made, added, installed and are functional in accordance with city specifications.

(2) *Development final inspection (development final).* The owner/developer's engineer-of-record shall request in writing a development final inspection, addressed to the Planning **Official Clerk**. No inspection shall be passed until all items are completed in accordance with divisions (C) and (D) below.

(3) *Certificate of occupancy inspection (building final).* A certificate of occupancy inspection shall be scheduled only after the project has passed the development final inspection.

(C) *Completed improvements for certificate of occupancy.* The following improvements shall be complete prior to the city issuing the development final inspection and the owner/developer scheduling a certificate of occupancy inspection:

(1) *Streets.*

- (a) All curb and gutter completed and backfilled.
- (b) Final layer of pavement in-place to required thickness and density.
- (c) Pedestrian accommodations constructed per approved plan including accessible ramps.
- (d) Low or ponding areas in public streets corrected.
- (e) Pavement markings complete and all necessary signage in place.

(2) *Drainage.*

(a) Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in place.

(b) Detention/retention facilities to grade and draining properly.

(c) Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.

(d) Any needed off-site improvements or easements in place.

(e) Sodding of detention/retention ponds complete and established.

(f) Aeration facilities for retention ponds in place.

(g) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications and free of sediment or debris.

(h) Required fencing of detention/retention ponds in place.

(i) Final layer of drainage paving in-place as required by approved plan, including parking lots.

(3) *Water.*

(a) All water lines in place, pressure tested and bacteriological tested safe.

(b) Meter pits or boxes and setters in place and operational on grade.

(c) Tracer wires in place and tested.

(d) Draft of record drawings submitted.

(e) All valves operational adjusted to finish grade with concrete pad.

(f) Passing test results for all backflow devices provided.

(g) All backflow prevention devices installed properly and functional.

(4) *Sewer.*

(a) All sewer lines constructed to grade.

(b) Mandrel and pressure tests complete.

(c) Perform video inspection and discrepancies repaired and re-inspected.

(d) All manholes complete to required elevations and vacuum tested.

(e) Sewer services marked with T-posts in grass areas or mag nail with reflective disc if service is located under pavement.

(f) Lift stations operational.

(g) Tracer wires installed on all sewer lines and force mains and tested.

- (h) Lift station alarm deposit submitted.
- (i) Lift station extra pump delivered.
- (j) Draft of record drawings submitted.
- (5) *Fire.*
 - (a) All hydrants and valves in-place, accessible, and operational (facing street).
 - (b) Fire lanes marked.
 - (c) Building addressed (temporary).
 - (d) Fire flow tests.
- (6) *Planning.*
 - (a) Final grades achieved.
 - (b) Seeding and sodding in place.
 - (c) ADA requirements met.
 - (d) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30. Parking paved and marked.
 - (e) Dumpsters screened.
- (D) *Exceptions for temporary certificate of occupancy.* The city may schedule a certificate of occupancy inspection to issue a temporary certificate of occupancy if the items in division (C) above are complete, but any of the following items are incomplete:
 - (1) *Streets.*
 - (a) Unacceptable curb sections on city streets corrected.
 - (b) Joints in concrete pavement and curb and gutter cleaned and caulked.
 - (2) *Drainage.*
 - (a) Cosmetic work (finish grout, clean out boxes and pipes).
 - (b) Final record drawings submitted.
 - (3) *Water.*
 - (a) Hydrants painted, as directed by the Water Department.
 - (b) Meter tiles adjusted to grade.
 - (c) Meter setters adjusted to grade.
 - (d) Valve stacks adjusted to grade.
 - (e) Concrete valve operator pads installed and grouted.
 - (f) Final record drawings submitted.
 - (4) *Sewer.*
 - (a) Cosmetic work complete.
 - (b) Final as-built drawings submitted.
 - (5) *Fire.* Building addressed (permanently).
 - (6) *Planting.* Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion. (Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.10, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14)

CODE AS WILL READ

152.104 FINAL INSPECTION.

(A) *Purpose.* The purpose of the large scale development final inspection (development final) is to ensure the completed project complies with the Master Street Plan, subdivision ordinance, zoning ordinance, and any other, current or future, governing specifications and regulations of the city.

(B) *Process.*

(1) *Certificate of completion.* When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations to the large scale development required for its approval under the terms of these regulations have been made, added, installed and are functional in accordance with city specifications.

(2) *Development final inspection (development final).* The owner/developer's engineer-of-record shall request in writing a development final inspection, addressed to the Planning Official. No inspection shall be passed until all items are completed in accordance with divisions (C) and (D) below.

(3) *Certificate of occupancy inspection (building final).* A certificate of occupancy inspection shall be scheduled only after the project has passed the development final inspection.

(C) *Completed improvements for certificate of occupancy.* The following improvements shall be

complete prior to the city issuing the development final inspection and the owner/developer scheduling a certificate of occupancy inspection:

- (1) *Streets.*
 - (a) All curb and gutter completed and backfilled.
 - (b) Final layer of pavement in-place to required thickness and density.
 - (c) Pedestrian accommodations constructed per approved plan including accessible ramps.
 - (d) Low or ponding areas in public streets corrected.
 - (e) Pavement markings complete and all necessary signage in place.
 - (2) *Drainage.*
 - (a) Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in place.
 - (b) Detention/retention facilities to grade and draining properly.
 - (c) Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.
 - (d) Any needed off-site improvements or easements in place.
 - (e) Sodding of detention/retention ponds complete and established.
 - (f) Aeration facilities for retention ponds in place.
 - (g) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications and free of sediment or debris.
 - (h) Required fencing of detention/retention ponds in place.
 - (i) Final layer of drainage paving in-place as required by approved plan, including parking lots.
 - (3) *Water.*
 - (a) All water lines in place, pressure tested and bacteriological tested safe.
 - (b) Meter pits or boxes and setters in place and operational on grade.
 - (c) Tracer wires in place and tested.
 - (d) Draft of record drawings submitted.
 - (e) All valves operational adjusted to finish grade with concrete pad.
 - (f) Passing test results for all backflow devices provided.
 - (g) All backflow prevention devices installed properly and functional.
 - (4) *Sewer.*
 - (a) All sewer lines constructed to grade.
 - (b) Mandrel and pressure tests complete.
 - (c) Perform video inspection and discrepancies repaired and re-inspected.
 - (d) All manholes complete to required elevations and vacuum tested.
 - (e) Sewer services marked with T-posts in grass areas or mag nail with reflective disc if service is located under pavement.
 - (f) Lift stations operational.
 - (g) Tracer wires installed on all sewer lines and force mains and tested.
 - (h) Lift station alarm deposit submitted.
 - (i) Lift station extra pump delivered.
 - (j) Draft of record drawings submitted.
 - (5) *Fire.*
 - (a) All hydrants and valves in-place, accessible, and operational (facing street).
 - (b) Fire lanes marked.
 - (c) Building addressed (temporary).
 - (d) Fire flow tests.
 - (6) *Planning.*
 - (a) Final grades achieved.
 - (b) Seeding and sodding in place.
 - (c) ADA requirements met.
 - (d) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30. Parking paved and marked.
 - (e) Dumpsters screened.
- (D) *Exceptions for temporary certificate of occupancy.* The city may schedule a certificate of occupancy inspection to issue a temporary certificate of occupancy if the items in division (C) above are complete, but any of the following items are incomplete:
- (1) *Streets.*
 - (a) Unacceptable curb sections on city streets corrected.

- (b) Joints in concrete pavement and curb and gutter cleaned and caulked.
- (2) *Drainage.*
 - (a) Cosmetic work (finish grout, clean out boxes and pipes).
 - (b) Final record drawings submitted.
- (3) *Water.*
 - (a) Hydrants painted, as directed by the Water Department.
 - (b) Meter tiles adjusted to grade.
 - (c) Meter setters adjusted to grade.
 - (d) Valve stacks adjusted to grade.
 - (e) Concrete valve operator pads installed and grouted.
 - (f) Final record drawings submitted.
- (4) *Sewer.*
 - (a) Cosmetic work complete.
 - (b) Final as-built drawings submitted.
- (5) *Fire.* Building addressed (permanently).
- (6) *Planting.* Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion.
(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.700.10, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14)

- **Update Code 152-144**

STAFF ANALYSIS- These changes are to reflect allowable policy already in place

CURRENT CODE SHOWING ADJUSTMENTS

152.144 STREETS.

(A) *Standard street specifications.* All streets shall be constructed in conformance with the requirements of the city's current adopted standard specifications for streets.

(B) *Right-of-way dedication.* Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(C) *Coordination.* The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned street outside of the subdivision as provided in this section.

(D) *Connectivity.* Local and residential streets shall connect with surrounding streets to permit the safe and convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

(1) *Gated communities.* To ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity as described above, gated communities are prohibited.

(a) In cases where site conditions do not allow for adequate connectivity, a waiver may be requested in accordance with § [152.026](#). The waiver shall be reviewed based on the following criteria:

1. The development is adjacent to developed land that does not provide locations for connection of the street system.
2. The development is adjacent to topography with slopes greater than 17%.
3. The property does not include a collector, minor or principal arterial shown on the Master Street Plan.

(E) *Street stubs.* Wherever a proposed development abuts un-platted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Commission to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the City Engineer or Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(F) *Street intersections.* Street intersections shall be designed to ensure safety. Because steep grades at intersections reduce sight distances and hinder vehicle control, street grades shall be flattened out within 100 feet of intersections according to AASHTO geometric design guidelines for highways and city streets.

(G) *Additional safeguards.* These requirements shall be considered minimums, and where deemed necessary by the Planning Commission for the interest of public health, safety, and welfare, additional safeguards may be required.

(H) *Residential street lights.*

(1) *Public streets.* Developers of all new residential subdivisions with public streets shall select either (a) the standard street light option, or (b) an upgraded street light option.

(a) *Standard street light option.*

1. *Description.* The standard streetlight meets IESNA's (Illuminating Engineering Society of North America) definition of "cutoff" and is a light fixture of traditional styling. Specifications for standard street light fixtures, as amended, are on file at the servicing Electric Department.

2. *Developer responsibility.* The developer shall share the cost of the standard fixture with the City of Tontitown. The developer shall provide the one and one-half inch conduit raceway, surface mount foundation and anchor system, as specified by the servicing electric provider.

(b) *Upgraded street light option.*

1. *Description.* The decorative street lights are cutoff fixtures of traditional or period styling. Specifications for upgraded street light luminaires and poles, as amended, are on file at the Tontitown Planning Department.

2. *Private streets.* The developer of new subdivisions that have private streets shall contribute 100% of the cost for a standard street light fixture, as described in division (H)(1)(a)1., or

upgraded street light fixture as described in division (H)(1)(b)1. The developer and/or property owners association shall be responsible for the cost of electrical power service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for street lights located on private streets.

3. *Gas street light fixtures.* Developers may choose to use a gas operated street light fixture. In such instances, the developer shall supply to the Planning Department a proposal that includes illustrations of the fixtures and data showing that illumination is a minimum of 2,700 lumens per fixture. The low lumen values characteristic of gas light fixtures could dictate that more fixtures and closer placements of fixtures are necessary to assure adequate roadway safety and security as determined by the city. The developer and/or the property owners association shall be responsible for the cost of the gas service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for gas fixtures.

4. *Existing non-standard street light fixtures.* Non-standard street light fixtures existing prior to adoption of this chapter may continue. If the non-standard street light is damaged, two options are available:

(a) *Repair.* To use the same fixture, the homeowners' association shall provide the replacement parts and labor for cost of repair.

(b) *Replacement.* When a property owners' association does not provide the replacement parts, the city shall remove the existing fixture and replace it with a street light fixture that most closely resembles and charge the property owners' association for cost of parts and labor.

5. *Location and placement.* The supplying electric utility provider shall approve the location and placement of all types of street light fixtures.

(I) *Commercial street lights.*

(1) *Public streets.* Developers of all new commercial subdivisions that contain public streets within the development or that front a public street shall select either (a) the standard commercial street light option, or (b) if the subdivision is served by underground electric utilities, the upgraded commercial street light option.

(a) *Standard commercial street light option.*

1. *Description.* The standard commercial street light is a 400 watt, High Pressure Sodium Cobra head style installed on a wood pole. The standard commercial street light is serviced by overhead power lines and shall not be installed for developments where all utilities are located underground.

(b) *Upgraded commercial street light option.*

1. *Description.* The upgraded commercial street lights are 250 watt, High Pressure Sodium acorn style fixtures installed on a cast iron/steel pole that meets the IESNA definition of a "cutoff" fixture. The upgraded commercial street light is serviced by underground power lines. This option shall only be an option for developments that ~~(1) front on a street that is identified as a principal arterial, minor arterial, or a collector street on the city's current Master Street Plan and, (2)~~ locate all utilities underground.

2. *Developer responsibility.* The developer shall contribute the cost of the upgraded commercial street light and pole; provide the surface mount foundation and anchor system; and provide the one and one-half inch conduit raceway, as specified by the servicing electric provider.

(2) *Private streets.* The developer of new commercial developments that have private streets shall contribute 100% of the cost for either the standard commercial street light fixture or the upgraded commercial street light fixture, whichever is selected by the developer. The developer and/or property owners' association shall be responsible for the cost of electrical power service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for street lights located on private streets.

(3) *Gas street light fixtures.* Gas operated commercial street light fixtures are prohibited on principal arterial, minor arterial, or collector streets as designated on the city's current Master Street Plan.

(4) *Location and placement.* The local electric utility shall approve the location and placement of all types of street light fixtures.

(J) *Cul-de-sacs.* Cul-de-sacs shall be no longer than 660 feet.

(K) *Traffic calming.* The following regulations apply to all new residential and local streets:

(1) *Purpose.* The purpose of traffic calming regulations is to design new residential and local streets in a manner that improves road safety through speed and volume reduction; which in turn can improve neighborhood livability and provide opportunities for landscaping and aesthetic improvements.

(2) *Design speed.* Local and residential streets shall be designed to encourage and maintain 85th percentile speeds in the 25 to 30 mph range.

(3) *Speed control points.* The maximum road length between speed control points shall be 660 feet. Speed control points are considered any one of the following:

(a) *Warranted stop sign.* A stop sign shall be warranted at the intersection of a local or residential street and a collector or arterial street. A stop sign is not warranted at intersections between local and/or residential streets.

(b) *Horizontal curve.* Curves serving as speed control points shall have a centerline radius between 90 and 120 feet.

(c) *Traffic calming device.* A traffic calming device is a physical element of the street design that compels drivers to slow down. Recommended traffic calming devices include traffic circles, chicanes, center island narrowing, speed tables, intersection bulb-outs, and mid-block chokers.

(4) *Preferred methods.* The following traffic reducing techniques are encouraged when designing streets for the established design speed:

(a) Curvilinear street form, while maintaining a grid pattern.

(b) T-streets or three-way intersections.

(c) Entry treatments.

(d) Short block lengths.

(e) Tree-lined streets. Street trees spaced at a distance of 25 to 35 feet apart are encouraged. (Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1000.5, passed 9-3-13)

CODE AS WILL READ

152.144 STREETS.

(A) *Standard street specifications.* All streets shall be constructed in conformance with the requirements of the city's current adopted standard specifications for streets.

(B) *Right-of-way dedication.* Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(C) *Coordination.* The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned street outside of the subdivision as provided in this section.

(D) *Connectivity.* Local and residential streets shall connect with surrounding streets to permit the safe and convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

(1) *Gated communities.* To ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity as described above, gated communities are prohibited.

(a) In cases where site conditions do not allow for adequate connectivity, a waiver may be requested in accordance with § [152.026](#). The waiver shall be reviewed based on the following criteria:

1. The development is adjacent to developed land that does not provide locations for connection of the street system.

2. The development is adjacent to topography with slopes greater than 17%.

3. The property does not include a collector, minor or principal arterial shown on the Master Street Plan.

(E) *Street stubs.* Wherever a proposed development abuts un-platted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Commission to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the City Engineer or Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(F) *Street intersections.* Street intersections shall be designed to ensure safety. Because steep grades at intersections reduce sight distances and hinder vehicle control, street grades shall be flattened out within 100 feet of intersections according to AASHTO geometric design guidelines for highways and city streets.

(G) *Additional safeguards.* These requirements shall be considered minimums, and where deemed necessary by the Planning Commission for the interest of public health, safety, and welfare, additional safeguards may be required.

(H) *Residential street lights.*

(1) *Public streets.* Developers of all new residential subdivisions with public streets shall select either (a) the standard street light option, or (b) an upgraded street light option.

(a) *Standard street light option.*

1. *Description.* The standard streetlight meets IESNA's (Illuminating Engineering Society of North America) definition of "cutoff" and is a light fixture of traditional styling. Specifications for standard street light fixtures, as amended, are on file at the servicing Electric Department.

2. *Developer responsibility.* The developer shall share the cost of the standard fixture with the City of Tontitown. The developer shall provide the one and one-half inch conduit raceway, surface mount foundation and anchor system, as specified by the servicing electric provider.

(b) *Upgraded street light option.*

1. *Description.* The decorative street lights are cutoff fixtures of traditional or period styling. Specifications for upgraded street light luminaires and poles, as amended, are on file at the Tontitown Planning Department.

2. *Private streets.* The developer of new subdivisions that have private streets shall contribute 100% of the cost for a standard street light fixture, as described in division (H)(1)(a)1., or upgraded street light fixture as described in division (H)(1)(b)1. The developer and/or property owners association shall be responsible for the cost of electrical power service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for street lights located on private streets.

3. *Gas street light fixtures.* Developers may choose to use a gas operated street light fixture. In such instances, the developer shall supply to the Planning Department a proposal that includes illustrations of the fixtures and data showing that illumination is a minimum of 2,700 lumens per fixture. The low lumen values characteristic of gas light fixtures could dictate that more fixtures and closer placements of fixtures are necessary to assure adequate roadway safety and security as determined by the city. The developer and/or the property owners association shall be responsible for the cost of the gas service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for gas fixtures.

4. *Existing non-standard street light fixtures.* Non-standard street light fixtures existing prior to adoption of this chapter may continue. If the non-standard street light is damaged, two options are available:

(a) *Repair.* To use the same fixture, the homeowners' association shall provide the replacement parts and labor for cost of repair.

(b) *Replacement.* When a property owners' association does not provide the replacement parts, the city shall remove the existing fixture and replace it with a street light fixture that most closely resembles and charge the property owners' association for cost of parts and labor.

5. *Location and placement.* The supplying electric utility provider shall approve the location and placement of all types of street light fixtures.

(I) *Commercial street lights.*

(1) *Public streets.* Developers of all new commercial subdivisions that contain public streets within the development or that front a public street shall select either (a) the standard commercial street light option, or (b) if the subdivision is served by underground electric utilities, the upgraded commercial street light option.

(a) *Standard commercial street light option.*

1. *Description.* The standard commercial street light is a 400 watt, High Pressure Sodium Cobra head style installed on a wood pole. The standard commercial street light is serviced by overhead power lines and shall not be installed for developments where all utilities are located underground.

(b) *Upgraded commercial street light option.*

1. *Description.* The upgraded commercial street lights are 250 watt, High Pressure Sodium acorn style fixtures installed on a cast iron/steel pole that meets the IESNA definition of a "cutoff" fixture. The upgraded commercial street light is serviced by underground power lines. This option shall only be an option for developments that locate all utilities underground.

2. *Developer responsibility.* The developer shall contribute the cost of the upgraded commercial street light and pole; provide the surface mount foundation and anchor system; and provide the one and one-half inch conduit raceway, as specified by the servicing electric provider.

(2) *Private streets.* The developer of new commercial developments that have private streets shall contribute 100% of the cost for either the standard commercial street light fixture or the upgraded commercial street light fixture, whichever is selected by the developer. The developer and/or property owners' association shall be responsible for the cost of electrical power service and ongoing maintenance and upkeep of the fixtures. The city shall bear no responsibility for street lights located on private streets.

(3) *Gas street light fixtures.* Gas operated commercial street light fixtures are prohibited on principal arterial, minor arterial, or collector streets as designated on the city's current Master Street Plan.

(4) *Location and placement.* The local electric utility shall approve the location and placement of all types of street light fixtures.

(J) *Cul-de-sacs.* Cul-de-sacs shall be no longer than 660 feet.

(K) *Traffic calming.* The following regulations apply to all new residential and local streets:

(1) *Purpose.* The purpose of traffic calming regulations is to design new residential and local streets in a manner that improves road safety through speed and volume reduction; which in turn can improve neighborhood livability and provide opportunities for landscaping and aesthetic improvements.

(2) *Design speed.* Local and residential streets shall be designed to encourage and maintain 85th percentile speeds in the 25 to 30 mph range.

(3) *Speed control points.* The maximum road length between speed control points shall be 660 feet. Speed control points are considered any one of the following:

(a) *Warranted stop sign.* A stop sign shall be warranted at the intersection of a local or residential street and a collector or arterial street. A stop sign is not warranted at intersections between local and/or residential streets.

(b) *Horizontal curve.* Curves serving as speed control points shall have a centerline radius between 90 and 120 feet.

(c) *Traffic calming device.* A traffic calming device is a physical element of the street design that compels drivers to slow down. Recommended traffic calming devices include traffic circles, chicanes, center island narrowing, speed tables, intersection bulb-outs, and mid-block chokers.

(4) *Preferred methods.* The following traffic reducing techniques are encouraged when designing streets for the established design speed:

(a) Curvilinear street form, while maintaining a grid pattern.

(b) T-streets or three-way intersections.

(c) Entry treatments.

(d) Short block lengths.

(e) Tree-lined streets. Street trees spaced at a distance of 25 to 35 feet apart are encouraged.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1000.5, passed 9-3-13)

CHAPTER 153- ZONING REGULATIONS

- **Add to Chapter 153**

STAFF ANALYSIS- This was a part of the Code before the last revision. It was left out and should be added back.

OLD CODE - § 153.046 RESIDENTIAL DISTRICTS.

(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~~ of 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.

TO BE ADDED TO CURRENT CODE- STREET FRONTAGE-ACCESS EASEMENT

Street frontage. Each lot in R-1 and R-2 zoning districts shall have a minimum street, or dedicated access easement frontage of 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.

- **Farm Animal and Hobby Chicken Information – Add to Chapter 153**

STAFF ANALYSIS- This was a part of the Code before the last revision. It was left out and should be added back.

TO BE ADDED TO CURRENT CODE– Add to Definitions Chapter 153:

ANIMAL, FARM. Any animal that customarily is raised in an agricultural, rather than urban, environment, for profit on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules. This definition does not include “hobby chicken” which is separately defined.

CHICKEN, HOBBY. Fowl that are being raised on non-agricultural lots as a hobby instead of as a farming operation. **HOBBY CHICKENS** are used for the production of eggs, garden fertilizer, and meat production or as pets for non-commercial purposes.

NEW - Add to Sections Chapter 153

§ 153.xxx ANIMAL, FARM

Animals and fowls, where permitted in a district, shall be kept only in accordance with this code. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. In a residential district, no more than four farm, domestic or household animals over the age of four months shall be kept, maintained or harbored. However, in a residential district, the temporary keeping, maintaining, or harboring of more than four such animals may be allowed in cases of rescue, foster care, or temporary sheltering. Said temporary keeping, maintaining, or harboring of more than four animals shall be limited to 30 days.

(A) All animals kept in residential areas, as allowed by **code section 153.051 & 153-054** are intended to be clean, odor free, quiet, non-obtrusive, and healthy additions to a residential area for purposes of enjoyment, education, or training by the property owner, occupants, and visitors. However, grazing areas shall be required to have a suitable fence. A fencing plan shall be submitted if a conditional use application is required by § 153.046. Furthermore, it is required that any and all animals be provided with appropriate shelter and living conditions at all times.

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

§ 153.xxx CHICKEN, HOBBY

Hobby chickens allowed in permitted districts shall meet the following regulations:

(A) Number permitted. No more than four hens shall be allowed for each single-family dwelling. No birds shall be allowed in multi-family complexes.

(B) Roosters prohibited. No roosters shall be allowed.

(C) Slaughter. There shall be no outside slaughtering of birds.

(D) Placement of enclosures. All hen enclosures shall be placed at least 25 feet from neighboring dwellings and located in a rear or side yard.

(E) Condition of enclosures. All enclosures must be kept in a neat and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odor.

(F) Food containers. All food used for chickens shall be kept in a suitable container with a tight-fitting cover so as to be inaccessible to rodents.

(G) Applicability. These regulations are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor the lawful transportation of fowl through the corporate limits of the city. Neither shall they apply to poultry kept in areas of the city which are zoned A-1.

DIVISION 5. DISTRICT REGULATIONS

Sec. 153-051. Agriculture and Residential Districts.

General Description.

Counting the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a “holding” zone for subsequent higher density consideration, there are eight (8) districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. Five (5) of the districts are for low-density single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low density, residential environment. One (1) district is intended for medium-density single-family uses, and one (1) exists for multi-family residential uses. More specific descriptions of the residential districts are as follows and it is the intent and desire of the city that all zoned areas, be served by municipal water and sanitary sewer service.

(1) Agriculture District.

The purpose of this district is to provide for a very low density single-family district, while helping preserve existing agricultural resources, and to guide the conversion of these lands to higher density residential use when appropriate. Agricultural areas should be protected for development by appropriate standards until they are well served by public facilities and services that will permit higher density residential development.

(2) R-E, Estate Single-Family District.

The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help establish and preserve rural/estate character in certain areas of the city.

(3) R-1, Single-Family Residential.

The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least one (1) acre. This zone is generally applied on the fringe of built-up areas of the city, and may act as a buffer to R-E zones.

(4) R-2, Single-Family Residential.

This district is intended to provide single-family residential uses on moderately sized, low-density lots of at least one-half (1/2) acre.

(5) R-3, Single-Family Residential.

This district is characterized by single-family residential development on medium-sized lots of at least 9,600 square feet, with density not exceeding 3 units/net acre, i.e. after dedications are made. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher to lower density residential and other types of development. It is the intent and desire of the city that R-3 zoned areas, which typically have smaller sized lots, be served by municipal water and sanitary sewer service.

(6) R-3-L, Single Family Residential.

This district is intended to provide single-family residential uses on moderately sized, low-density lots of at least 14,520 square feet, one-third (1/3) acre.

(7) R-MF Multi-Family Residential.

This district is to provide for multi-family development, and is characterized by traditional apartment-type units in attached living complexes. Congregate housing for the elderly is also anticipated in this zone. Areas so classified must have all municipal services available. The maximum density in this district is sixteen (16) dwelling units to the acre.

(8) R-MH Manufactured Home/Mobile Home Residential.

This district is to provide for replacement of manufactured home/mobile homes on individually owned lots. Areas so classified must have all municipal services available. A maximum density in this district is 1 unit per acre.

Uses Permitted. ADD NEW SUB HEADING

Uses permitted in the residential districts are set forth in the following table. Where the letter “P” appears opposite a listed use and underneath a residential district, the use is permitted in that district “by right” subject to: (1) providing off-street parking and loading facilities as required by Section 153-101; (2) providing landscaping and screening as provided by Section 153-103; and (3), conformance with special conditions applying to certain uses as set forth in Division 8. Only one (1) principal structure per lot shall be permitted in R-E, R-1, R-2, R-3 and R-3L single-family districts.

In addition to the accessory uses provided for in Division 7, an accessory structure may be permitted for sheltering a riding horse on a residentially zoned lot or parcel with a minimum area of two (2) acres, provided: (1) The structure is at least 100 feet from adjacent property lines; (2) No more than two (2) horses are kept and sheltered on the property; and (3) The stall area does not exceed 450 square feet. In A districts, only one (1) principal dwelling structure per lot shall be permitted.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit as set forth in Sections 153-061 thru 153-064. Where neither “P” nor “C” appears, and “NP” appears in the table, the use is not permitted.

Uses Not Permitted. Update and add NEW SUB HEADING

When a use is proposed that is not listed in this chapter, the Building Official shall recommend the appropriate districts based on land uses that are similar in size, bulk, and traffic generation. If the applicant does not agree with this interpretation, he or she may appeal the interpretation to the Board of Zoning Adjustment.

Add to Use Tables: Updates to table in section 153.051**Use Table****RESIDENTIAL DISTRICTS**

RESIDENTIAL USES	ZONING DISTRICTS							
	A	RE	R-1	R-2	R-3	R-3L	R-MF	R-MH
Single-family-detached	P	P	P	P	P	P	P	NP
Duplex, triplex, 4-plex	NP	NP	NP	NP	NP	NP	P	NP
Emergency housing unit	C	C	C	C	NP	C	NP	NP
Multi-family	NP	NP	NP	NP	NP	NP	P	NP
Manufactured housing unit	NP	NP	NP	NP	NP	NP	P	P
Manuf. housing, residential design	NP	NP	C	NP	NP	NP	P	P
Manufactured housing park	NP	NP	NP	NP	NP	NP	C	C
Group residential	NP	NP	NP	NP	NP	NP	C	NP

CIVIC & COMMERCIAL USES	ZONING DISTRICTS							
	A	RE	R-1	R-2	R-3	R-3L	R-MF	R-MH
Airport or airstrip	C	C	NP	NP	NP	NP	NP	NP
Animal care, general	C	NP	NP	NP	NP	NP	NP	NP
Animal care, limited	C	NP	NP	NP	NP	NP	NP	NP

Automated teller machine	NP	NP	NP	NP	NP	NP	P	NP
Bed and breakfast	C	C	C	NP	NP	NP	NP	NP
Cemetery	C	C	C	C	C	C	C	NP
Church	P	C	C	C	C	C	P	NP
College or university	C	NP	NP	NP	NP	NP	P	NP
Communication tower	C	C	C	C	C	C	C	NP
Convenience store	NP	NP	NP	NP	NP	NP	C	NP
Day care, limited (family home)	C	NP	C	C	C	C	P	NP
Day care, general	NP	NP	NP	NP	NP	NP	C	NP
Golf course	C	C	C	C	C	C	P	NP
Government service	C	C	C	C	C	C	C	NP
Hospital	NP	NP	NP	NP	NP	NP	C	NP
Library	C	C	C	C	C	C	P	NP
Medical services	NP	NP	NP	NP	NP	NP	C	NP
Museum	NP	NP	NP	NP	NP	NP	C	NP
Nursing home	NP	NP	NP	NP	NP	NP	C	NP
Parks and recreation	P	C	C	C	C	C	P	NP
Post office	NP	NP	NP	NP	NP	NP	C	NP
Recreation/entertainment, indoor	C	NP	NP	NP	NP	NP	NP	NP
Recreation/entertainment, outdoor	C	NP	NP	NP	NP	NP	NP	NP
Safety services	C	C	C	C	C	C	P	NP
School, elementary/middle & high	C	C	C	C	C	C	P	NP
Utility, major	C	C	C	C	C	C	C	NP
Utility, minor	P	P	P	P	P	P	P	NP
Vocational school	C	NP	NP	NP	NP	NP	C	NP

ZONING DISTRICTS

MANUFACTURING & EXTRACTIVE USES	A	RE	R-1	R-2	R-3	R-3L	R-MF	R-MH
Asphalt or concrete plant	NP	NP	NP	NP	NP	NP	NP	NP
Mining or quarrying	NP	NP	NP	NP	NP	NP	NP	NP
Sod farm	C	NP	NP	NP	NP	NP	NP	NP
Topsoil	C	NP	NP	NP	NP	NP	NP	NP
AGRICULTURAL USES								
Agriculture, animal	P*	C	C	C	C	C	C	NP
Agriculture, crop	P	P	P	P	C	C	C	NP
Agriculture, product sales	P	C	C	C	C	C	C	NP
Animal, Farm	P	P	P	P	P	P	NP	NP
Chicken, Hobby	P	P	P	P	P	P	NP	NP

* All concentrated feedlot operations for livestock shall be subject to conditional use approval.

Use Table

Commercial & Industrial Districts

	Zoning Districts		
RESIDENTIAL USES	C-1	C-2	I
Single-family detached	C	C	C
Duplex, triplex, 4-plex	C	C	C
Loft apartment	C	C	C
Multi-family	C	C	C
	Zoning Districts		
CIVIC AND COMMERCIAL USES	C-1	C-2	I
Airport or airstrip	NP	NP	C
Animal care, general	C	P	C
Animal care, limited	P	P	NP
Auditorium or stadium	NP	C	C
Automated teller machine	P	P	P
Bank or financial institution	P	P	P
Bed and breakfast	P	P	NP
Car wash	C	P	P
Cemetery	P	P	P
Church	P	P	P
College or university	P	P	P
Communication tower	C	C	P
Construction sales and service	NP	P	P
Convenience store	P	P	C
Day care, limited (family home)	P	P	C
Day care, general	P	P	C
Entertainment, adult	NP	C	C
Funeral home	C	P	NP
Golf course	P	P	NP
Government service	P	P	P
Hospital	P	P	NP
Hotel or motel	NP	P	NP
Library	P	P	P
Medical service/office	P	P	P
Museum	P	P	C
Nursing home	P	P	NP
Office, general	P	P	C
Parking lot, commercial	NP	P	C

Parks and recreation	P	P	C
Pawn shops	NP	P	C
Post office	C	P	C
Recreation/entertainment, indoor	C	P	C
Recreation/entertainment, outdoor	C	P	C
Recreational vehicle park	NP	P	P
Restaurant, fast-food	C	P	P
Restaurant, general	P	P	P
Retail/service	C	P	C
Safety services	P	P	P
School, elementary/middle & high	P	P	P
Service station	C	P	P
Signs	*	*	*
Utility, major	C	C	C
Utility, minor	P	P	P
Vehicle and equipment sales	NP	P	P
Vehicle repair, general	NP	P	P
Vehicle repair, limited	C	P	P
Vocational school	C	P	P
Warehouse, residential (mini) storage	NP	C	P
INDUSTRIAL, MANUFACTURING & EXTRACTIVE USES	C-1	C-2	I
Asphalt or concrete plant	NP	NP	C
Auto wrecking or salvage yard	NP	NP	C
Basic industry	NP	NP	P
Freight terminal	NP	C	P
Manufacturing, general	NP	NP	P
Manufacturing, limited	NP	NP	P
Mining or quarrying	NP	NP	C
Research services	C	C	P
Warehousing	NP	NP	P
Welding or machine shop	NP	C	P

* The placements of all signs shall be in accordance with city code.

	Zoning Districts		
Agricultural Uses	C-1	C-2	I
Agriculture, animal	NP	C	P
Agriculture, crop	P	P	P
Agriculture, farmers market	C	P	P

Agriculture, product sales	NP	C	P
Animal, Farm	NP	NP	NP
Chicken, Hobby	NP	NP	NP

- **Update 153.142**

STAFF ANALYSIS- This revision is for clarification

CURRENT CODE SHOWING ADJUSTMENTS
153.142 RESIDENTIAL ACCESSORY USES.

(A) Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of division (C) below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

(B) *Home occupations permitted.*

(1) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.

(2) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.

(3) The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.

(4) The home office or business does not cause interference with any type of communication signal reception in the vicinity.

(5) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

(6) The home office or business sells no articles on the premises that are not produced on the premises.

~~—(7) A home occupation shall be carried on wholly within the principle residential structure. No home occupations shall be allowed in accessory buildings or garages.~~

(8) The home office or business occupies no more than 10% of the total floor area of the residence.

(9) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.

(10) Not more than one truck of not more than one and one-half ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises, except as allowed by conditional use.

(11) Customers may visit the site only during the hours of 8 a.m. to 8 p.m., and no more than six customers or clients may visit the site in any single day.

(12) Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.

(C) *Home occupations prohibited.* Prohibited home occupations include, but are not limited to the following:

(1) Barber and beauty shops **with more than one chair, and requiring any upgrade in electric service.**

(2) Dispatch centers, where workers come to the site to be dispatched to other locations.

(3) Commercial stables, kennels, and animal boarding and care facilities.

- (4) Assembly or repair of large appliances.
 - (5) Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
 - (D) *Garage sales.* Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:
 - (1) Each such sale shall be permitted by a approved garage sale application.
 - (2) Each property address and/or person shall be limited to no more than four such sales per year.
 - (3) Sales shall not last longer than three consecutive days.
 - (4) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - (5) Directional and advertising signs, not larger than nine square feet, shall be free standing; that is, they shall not be placed on traffic or official signs, utility poles or trees, and shall be removed promptly after completion of the sale.
- (Ord. 2017-05-635, passed 5-2-17)

CODE AS WILL READ

153.142 RESIDENTIAL ACCESSORY USES.

(A) Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of division (C) below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

(B) *Home occupations permitted.*

- (1) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.
- (2) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
- (3) The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
- (4) The home office or business does not cause interference with any type of communication signal reception in the vicinity.
- (5) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
- (6) The home office or business sells no articles on the premises that are not produced on the premises.
- (7) The home office or business occupies no more than 10% of the total floor area of the residence.
- (8) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
- (9) Not more than one truck of not more than one and one-half ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises, except as allowed by conditional use.
- (10) Customers may visit the site only during the hours of 8 a.m. to 8 p.m., and no more than six customers or clients may visit the site in any single day.
- (11) Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.

(C) *Home occupations prohibited.* Prohibited home occupations include, but are not limited to the following:

- (1) Barber and beauty shops with more than one chair, and requiring any upgrade in electric service.
- (2) Dispatch centers, where workers come to the site to be dispatched to other locations.
- (3) Commercial stables, kennels, and animal boarding and care facilities.

- (4) Assembly or repair of large appliances.
 - (5) Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
 - (D) *Garage sales.* Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:
 - (1) Each such sale shall be permitted by a approved garage sale application.
 - (2) Each property address and/or person shall be limited to no more than four such sales per year.
 - (3) Sales shall not last longer than three consecutive days.
 - (4) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - (5) Directional and advertising signs, not larger than nine square feet, shall be free standing; that is, they shall not be placed on traffic or official signs, utility poles or trees, and shall be removed promptly after completion of the sale.
- (Ord. 2017-05-635, passed 5-2-17)

STAFF RECOMMENDATION: Staff recommends approval of the code changes for Chapter 150, 152, & 153.