

Street Frontage – Access Easement – Add to Chapter 153

OLD - § 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.

NEW – 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.

Old 📖 § 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.

New 📖 § 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.

NEW - 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.

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,	C	NP	NP	NP	NP	NP	NP	NP
Recreation/entertainment,	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.

Agricultural Uses	Zoning Districts		
	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

DIVISION 7. ACCESSORY USES

UPDATE CURRENT CODE 152-072:

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 property is located in a Commercial or Industrial zoning district, and the primary use is residential, the setback requirements would follow the zoning district in which it is 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.