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Chapter 153.021

Definitions of Terms and Uses

City of Tontitown

3-24-2021

§ 153.021 DEFINITIONS OF TERMS AND USES.

This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use **RETAIL/SERVICE**, for example, does not include the more specific use **CONVENIENCE STORE**.

ACCESS EASEMENT. A right-of-way or parcel of land specified or set aside as the way or means by which a piece of property is approached or entered, given by the owner of land to another party.

ACCESSORY BUILDINGS AND USES. A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An **ACCESSORY USE** is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings. **ACCESSORY BUILDINGS AND USES** are located on the same lot and in the same zoning district as the principal use.

ADULT ENTERTAINMENT. Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.

AGRICULTURE, ANIMAL. The use of any land for the purpose of raising livestock.

AGRICULTURE, CROP. The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

AGRICULTURE, PRODUCT SALES. The retail sale of agricultural products produced on the same site.

ALLEY. A narrow public way, not in excess of 20 feet, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.

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 (**CHICKEN, HOBBY**) which is separately defined in this section.

ANIMAL CARE, GENERAL. A use providing animal care, veterinary services or boarding.

ANIMAL CARE, LIMITED. A use providing small animal (household pet) boarding or veterinary services, with no outside runs.

APARTMENT. A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three or more dwelling units are considered apartments.

AREA. The amount of land surface in a lot or parcel of land.

AS-BUILT DRAWING. A document showing how a particular building and/or site have been constructed.

ASPHALT OR CONCRETE PLANT. An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphalt cement, cement or concrete products.

AUDITORIUM or STADIUM. An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.

AUTO WRECKING OR SALVAGE YARD. A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition, or for the sale of parts there from; or for the collecting, storage, and salvage of waste paper, scrap metal, or other discard material.

BANK or FINANCIAL INSTITUTION. Establishments engaged in deposit banking; typically, commercial banks, savings and loans, and credit unions.

BASIC INDUSTRY. The first operation or operations that transform a material from its raw state to a form suitable for fabrication.

BED AND BREAKFAST. The use of an owner-occupied or manager-occupied residential structure to provide temporary lodging, or lodging and meals, with no more than 12 guest rooms.

BUILDING. Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the plot on which it is situated. In any residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.

BUILDING HEIGHT. The vertical distance from grade plane to the average height of the highest roof surface.

BUILDING LINES. The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements, and beyond which the vertical wall of a building or structure shall not be located closer to said lot lines.

CAR WASH. A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

CARPORT. Space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

CEMETERY. Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.

CERTIFICATE OF OCCUPANCY. Permission to occupy a building and/or property.

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.

CHURCH. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained and controlled by a religious body organized to sustain public worship.

CLUB or LODGE. An association of persons for the promotion of some nonprofit common purpose, such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

COLLEGE or UNIVERSITY. An institution of higher education offering undergraduate or graduate degrees.

COMPREHENSIVE PLAN. The City of Tontitown 2005 Comprehensive Land Use Plan.

CONSTRUCTION SALES AND SERVICE. An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

CONVENIENCE STORE. An establishment, not exceeding 3,500 square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.

COUNTRY CLUB. A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.

DAY CARE, GENERAL (DAY CARE CENTER). A commercial establishment where adult day care services are provided, or where child day care services are provided for more than eight children; with both such services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

DAY CARE, LIMITED (DAY CARE FAMILY HOME). A home where day care services are provided to a maximum of eight children, with a maximum of two adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most

restrictive regulations prevailing. The babysitting of not more than four children shall not be subject to provisions of these regulations.

DETACHED STRUCTURE. A structure having no party or common wall with another structure except an accessory structure.

DEVELOPMENT. The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land. **DEVELOPMENT** does not include:

- (1) Lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas;
- (2) Removal of trees or vegetation damaged by natural forces; or
- (3) The repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

DEVELOPMENT or SITE PLAN. A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

DISTRICT, ZONING. Any portion or section of the city within which uniform zoning regulations apply.

DRIVE-IN ESTABLISHMENTS. A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

DWELLING. A building or portion thereof which is designed or used as living quarters for one or more families, but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

DWELLING, ATTACHED. A dwelling that is joined to another dwelling at one or more sides by a wall or walls.

DWELLING, DETACHED. A dwelling that is entirely surrounded by open space on the same lot.

DWELLING, MULTI-FAMILY. A dwelling designed for or occupied by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

DWELLING, SINGLE-FAMILY. A dwelling designed for or occupied by one family only, and being on a permanent foundation. A single-family dwelling may not have more than two adults residing in the dwelling per established bedroom and may include minor children,

DWELLING, TWO-FAMILY (DUPLEX). A dwelling designed for or occupied by not more than two families living independently of each other.

DWELLING, TOWNHOUSE or ROW HOUSE. Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one family.

DWELLING, ZERO LOT LINE. A single detached dwelling unit that is constructed on a side property line of said lot such that the wall located on the side property line should be "blank" with no openings of any type allowed.

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

DWELLING LIVE/WORK: A building used jointly for commercial and residential purposes on the same floor and where the residential use of the building is secondary or accessory to the primary use as a place of work.

DWELLING LOFT LIVING SPACE: A dwelling unit located in a multi-story structure where commercial and residential uses are vertically separated with the commercial uses on the ground floor and the residential uses on the upper floors.

EFFICIENCY UNIT. A dwelling unit that contains living, sanitation, sleeping, and cooking facilities, but not a separate bedroom for sleeping, for not more than two adults.

EMERGENCY HOUSING UNIT. A manufactured housing unit or residential-design manufactured housing unit that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.

FAMILY. One or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A **FAMILY** may include domestic servants employed by said family. A single-family dwelling may not have more than two adults residing in the dwelling per established bedroom and may include minor children.

FARM. A parcel of land used for the growing or raising of agricultural products including related structures thereon.

FENCE. A barrier constructed to provide privacy or visual separation between one ownership and another.

FLOODPLAIN REGULATIONS. Provisions of the City of Tontitown Flood Damage Prevention Code.

FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The **GROSS FLOOR AREA** shall not include shafts with no openings or interior courts.

FLOOR AREA, NET. The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

FREIGHT TERMINAL. A building or area in which freight, brought by motor trucks or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FRONTAGE. That edge of a lot bordering a street.

GARAGE, PRIVATE. An accessory building or apart of a main building used for storage purposes only for automobiles, vans, pick-up trucks and the like, used solely by the occupants and their guests of the building to which it is accessory.

GOLF COURSE. A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

GOVERNMENT SERVICES. Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GREENHOUSE or NURSERY. An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended, for ornamental or landscaping purposes.

GROUP RESIDENTIAL. The use of a site for occupancy by groups of more than five persons, not defined as a family. Typical uses include residence halls, and boarding or lodging houses.

HAZARDOUS WASTE. Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused or reclaimed, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.

HOME OCCUPATION. Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

HOSPITAL. An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and research facilities, central service facilities, pharmacies, and staff offices which are an integral part of the facilities.

HOTEL or MOTEL. An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

KENNEL. The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five dogs and cats. The word **SELLING** as herein used shall not be construed to include the sale of animals three months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall **SELLING** be determined to include isolated sales of animals over three months old by persons not operating a kennel as herein described.

LIBRARY. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.

LOT. Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

LOT, AREA. The total horizontal area of a lot lying within the lot lines.

LOT, CORNER. A lot abutting two or more streets at their intersection.

LOT, DOUBLE FRONTAGE. A lot that is an interior lot extending from one street to another and abutting a street on two ends.

LOT, INTERIOR. Any lot which is not a corner lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

LOT LINE, REAR. The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line as defined herein.

LOT LINES. The boundary lines of a lot.

LOT OF RECORD. A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Washington County Circuit Clerk.

LOT WIDTH. The width of a lot measured at the front building setback line.

MANUFACTURED HOUSING PARK. A tract of land in one ownership that is used or intended to be used by two or more manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.

MANUFACTURED HOUSING UNIT. A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For purposes of these regulations, the term **MANUFACTURED HOUSING UNIT**, when used by itself, shall not mean the same as a **RESIDENTIAL-DESIGN MANUFACTURED HOUSING UNIT**.

MANUFACTURED HOUSING UNIT, RESIDENTIAL-DESIGN. A manufactured housing unit which has a minimum width of 24 feet, with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.

MANUFACTURING, GENERAL. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including storage, processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding **BASIC INDUSTRY**, as defined above. General Manufacturing uses may include, but are not limited to:

Fabricated metal products, scrap metal processing, food and allied products, furniture and allied products (large scale), glass products, millware products, plywood products, prefabricated structural wood, veneer products, paperboard containers, lubricating oils and greases, foundry, stone products.

MANUFACTURING, LIMITED. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including storage, processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding **BASIC INDUSTRY**, as defined above, in such a way that is complimentary and not detrimental to neighboring commercial and residential districts. Truck traffic, noise, odor, fumes, and overall impact must be minimal. All Limited Manufacturing uses may include, but are not limited to:

Engraving, machinery, transportation equipment, fabricated wire products, hardware products, metal stamping and forming, plated ware, silverware, sporting goods, toys, and fire control equipment.

MEDICAL SERVICE. An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

MINING or QUARRYING. The extraction of metallic and nonmetallic minerals, including stone, sand, and gravel operations.

MOBILE HOME. A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974.

NONCONFORMING STRUCTURE. A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

NONCONFORMING USE. Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

NURSING HOME. Any premises where more than three persons are housed and furnished with meals and continuing nursing services.

OFFICE, GENERAL. An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

OFFICE, LIMITED. An establishment providing executive, management, administrative or professional services with no more than five (5) employees, not involving medical or dental services or sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

OPEN SPACE, COMMON. The area of land that is designed to be accessible for the use and enjoyment of all owners and/or tenants, This space may contain complementary structures, recreational areas and other such improvements, but shall not include parking lots or streets.

OPEN SPACE, PRIVATE. An area of land owned or occupied by a property owner or tenant and available for their private use and enjoyment.

OWNER. The property owner of record, according to the office of the Washington County Circuit Clerk.

PARKING, COMMERCIAL. A paved area for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

PARKS AND RECREATION. A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

PEDESTRIAN WAY. A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.

PRINCIPAL BUILDING. The building on a lot in which the principal use of the lot is conducted.

PRINCIPAL USE. The chief or main recognized use of a structure or of land.

RECREATION AND ENTERTAINMENT, INDOOR. An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

RECREATION AND ENTERTAINMENT, OUTDOOR. An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

RECREATIONAL VEHICLE PARK. The use of a site providing individual spaces for towed or self-propelled camping vehicles on a daily fee or short-term rental basis.

RESEARCH SERVICE. An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

RESTAURANT, FAST-FOOD. An establishment where the principal business is the sale of food and non alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

RESTAURANT, GENERAL. An establishment, other than **FAST-FOOD RESTAURANT**, where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following:

(1) A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or

(2) A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

RETAIL/SERVICE. The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

SALVAGE YARD.

(1) Any parcel of land or building for which the principal or accessory use is the storing, keeping, dismantling, collection, salvaging, buying or selling of:

(a) Scraps or discarded pieces of metal, paper, rags, tires, bottles, furniture and other materials; and/or

(b) Inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances.

(2) **SALVAGE/JUNK/WRECKER YARD** shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a **SALVAGE/JUNK/WRECKER YARD** include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than 90 days. Any premises on which there remains outside more than 90 days an inoperable, partially dismantled, wrecked or junked automobile, shall be deemed for the purpose of this chapter, a **SALVAGE/JUNK/WRECKER YARD**.

SAFETY SERVICES. A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

SCHOOL, ELEMENTARY, MIDDLE, or HIGH. The use of a site for instructional purposes on a primary or secondary level.

SERVICE STATION. An establishment primarily engaged in the retail sale of gasoline or other motor fuels, that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.

SETBACK. The distance from the building line to the lot line or the proposed right-of-way line, whichever is nearer.

SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service or a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. A **SIGN** shall not include such devices located within a building except for illuminated signs within show windows. A **SIGN** includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

SIGN, BULLETIN. A sign erected by a church, school, institution, or public agency on its premises for announcements.

SIGN, COMMERCIAL. A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

SIGN, NAMEPLATE. A sign bearing the name and/or address, occupation, and phone number of persons or uses occupying the premises.

SIGN, OFF-PREMISE. A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered or sold somewhere other than on the premises.

SIGN, OFFICIAL. Signs on public property for informing the public.

SIGN, REAL ESTATE. Temporary signs advertising the premises for lease, rent or sale.

STORAGE YARDS. Outdoor areas used for storage of outdoor construction equipment and materials, salvage, items for retail and wholesale sales, etc. All vehicles stored outside must be currently licensed.

STORY. The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

TOWING/VEHICLE IMPOUND YARD. Premises used primarily for the storage of operable automobiles or wrecked vehicles until they are placed back in the control of the owner and/or insurance company, so long as no operable automobile, inoperable junk or wrecked automobile remains on site for more than 90 days.

TOWNHOME Two (2) or more single or multi-story dwelling units attached at the side or sides. Each unit is located on an individual lot, has a separate outdoor entrance, and is designed to be occupied and owned by one family.

USE. Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

UTILITY, MAJOR. Generating plants, electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, communication, rail transportation, water, sewage collection or other similar service. The term **UTILITY** shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities; or other uses defined herein.

UTILITY, MINOR. Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

VEHICLE AND EQUIPMENT SALES. An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales. These provisions do not apply to machinery used for agriculture purposes.

VEHICLE REPAIR, GENERAL. An establishment primarily engaged in painting of, or bodywork to, motor vehicles or heavy equipment. Typical uses include paint and body shops.

VEHICLE REPAIR, LIMITED. An establishment primarily engaged in automotive repair other than paint and body shops.

VOCATIONAL SCHOOL. A use providing education or training in business, commercial trades, language, arts, or other similar activity or occupational pursuit, and not otherwise defined as a **COLLEGE OR UNIVERSITY** or **PRIMARY OR SECONDARY SCHOOL**.

WAREHOUSE, RESIDENTIAL STORAGE (MINI-WAREHOUSE). An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

WAREHOUSING (PRIMARY). The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, motor freight terminals, and moving and storage firms, but excluding residential storage warehouses.

WAREHOUSING (ANCILLARY). The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers as a secondary use. Excludes residential storage warehouses. Not to exceed 75% of the total building space.

WELDING OR MACHINE SHOP. A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding, and sheet metal shops.

YARD. An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.

YARD, FRONT. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

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Established, Chapter
153.081 Commercial
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153.083 Commercial and
Industrial Uses and
Exclusive Use Landfill Uses
Permitted, Chapter 153.084
Nonresidential lot, yard
and height regulations

City of Tontitown

3-24-2021

ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

§ 153.060 ZONING DISTRICTS ESTABLISHED.

The following zoning districts, which may be referred to by their abbreviations, are hereby established:

(A) Base zoning districts:

- A Agriculture
- R-E Estate Single-Family Residential - two acre minimum lot size
- R-1 Single-Family Residential - one acre minimum lot size
- R-2 Single-Family Residential - one-half acre minimum lot size
- R-3L Single-Family Residential - 14,520 square foot minimum lot size one-third acre
- R-3 Single-Family Residential - 9,600 square foot minimum lot size; provided density shall not exceed three units/acres
- R-4 Single-Family Residential – 8,000 square foot minimum lot size; provided the density shall not exceed four (4) units/acre
- RMF-16 Multi-Family Residential - 16 units/acre maximum
- R-MH Residential-Mobile Homes
- N-C Neighborhood Commercial
- C-1 Light Commercial/Office
- C-2 General Commercial
- C-T Trades and Services
- LI Light Industrial
- I Industrial
- EU-L Exclusive Use-Landfill

(B) Overlay and special purpose zoning districts

- P Planned Unit Development District

(Ord. 2017-05-635, passed 5-2-17; Am. Ord. 2020-07-892, passed 7-7-20)

153.081 COMMERCIAL DISTRICTS.

(A) *General description, commercial districts.* Commercial districts are principally intended for the provision of services and the conduct of business and retail and wholesale trade essential to support residents within the city and the surrounding area.

Four such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in the city.

(1) *N-C, Neighborhood Commercial.* This district is intended to be embedded in and serve residential neighborhoods. Home office uses, childcare, and small retail and service type businesses that will not disrupt the normal and orderly development of the surrounding area are anticipated. Buildings are to be of residential character regarding outward appearance.

(2) *C-1, Light Commercial/Office District.* This district is intended to accommodate administrative, executive, and professional offices and associated uses, as well as limited retail trade and services designed to serve adjacent residential neighborhoods, usually of a high or medium density character. Such districts should generally be limited to collector or arterial street locations, or other carefully selected areas. Uses with drive-thru service such as restaurants, banks, and pharmacies shall be planned in a way to minimize physical and visual impact on the pedestrian realm.

(3) *C-2, General Commercial District.* This purpose of this district is to provide appropriate locations for commercial and retail uses that are convenient and serve the needs of the public. This district also provides locations for limited amounts of merchandise, equipment, and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are generally along heavily traveled arterial streets, where convenient access and high visibility exist. However, development of groupings of facilities shall be encouraged in the future, as opposed to less desirable strip commercial, such as that that exists along U.S. 412.

(4) *C-T, Commercial Trades and Services.* The purpose of this district is to provide appropriate locations for commercial uses that do not require high public visibility and may have a Limited Manufacturing or ancillary warehouse/storage component. Some uses may have retail storefronts. Uses such as screened equipment yards, Limited Manufacturing, and small warehousing spaces are anticipated in this zone.

153.082 INDUSTRIAL DISTRICTS.

(A) *L-1, Light Industrial,* the light industrial zoning district is intended to provide for the development of light intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to assure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include, warehousing, wholesaling, packaging, storage, storage yards, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable

transportation facilities are a necessity to this district. Industrial uses must be screened from more restrictive uses.

(B) *I, Industrial*, the industrial zoning district is intended to provide for the development of light to medium intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to ensure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include freight terminals, warehousing, wholesaling, packaging, storage, storage yards, fabrication, display and such manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a necessity to this district. Industrial uses must be screened from more restrictive uses.

§ 153.083 COMMERCIAL AND INDUSTRIAL USES AND EXCLUSIVE USE-LANDFILL USES PERMITTED.

(A) Use permitted in the foregoing districts are set forth in the following table. Where the letter "P" appears opposite a listed use and underneath a district, the use is permitted in that district "by right" subject to:

- (1) Providing off-street parking and loading facilities as required by § [153.210](#);
- (2) Providing landscaping and screening as required by § [153.210](#); and
- (3) Conformance with special conditions applying to certain uses as set forth in § [153.160](#) et seq. Commercial uses must be screened from more restrictive uses.

(B) Where the letter "C" appears instead of "P", the use is permitted subject to acquiring a conditional use permit as set forth in §§ [153.120](#) et seq. Where neither "P" nor "C" appears within the table, and "NP" appears, the use is not permitted.

(C) *Uses not listed.* 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.

| Zoning Districts | NC | C1 | C2 | CT | LI | I | EU-L |
|---|----|----|----|----|----|----|------|
| RESIDENTIAL USES | | | | | | | |
| Single-family detached | P | C | C | C | C | C | NP |
| Duplex | C | C | C | C | C | C | NP |
| Loft Living Space | P | P | P | P | C | C | NP |
| Townhomes (see Lot, Yard and Height Regulations for requirements) | C | C | C | C | C | C | NP |
| Multi-family | NP |
| CIVIC AND COMMERCIAL USES | | | | | | | |
| Airport or airstrip | NP | NP | NP | NP | NP | C | NP |
| Animal care, general | NP | NP | P | C | P | P | NP |
| Animal care, limited | NP | P | P | P | P | P | NP |

| Zoning Districts | NC | C1 | C2 | CT | LI | I | EU-L |
|---------------------------------------|-----------|-----------|-----------|-----------|-----------|----------|-------------|
| Auditorium or stadium | NP | NP | C | C | C | C | NP |
| Automated teller machine (ATM) | P | P | P | P | P | P | NP |
| Bank or financial institution | C | P | P | P | P | P | NP |
| Bed and breakfast | C | P | P | C | C | NP | NP |
| Car wash | NP | C | P | C | P | P | NP |
| Cemetery | P | P | P | P | P | P | NP |
| Church | P | P | P | P | P | P | NP |
| College or university | NP | P | P | P | P | P | NP |
| Communication tower | NP | C | C | C | C | C | C |
| Construction sales or service | NP | NP | P | P | P | P | NP |
| Convenience store | NP | P | P | P | P | C | NP |
| Day care, limited (family home) | P | P | P | C | C | C | NP |
| Day care, general | P | P | P | P | C | C | NP |
| Entertainment, adult | NP | NP | C | NP | C | C | NP |
| Funeral home | P | C | P | C | C | NP | NP |
| Golf course | C | P | P | P | NP | NP | C |
| Government service | C | P | P | P | P | P | P |
| Hospital | NP | P | P | P | P | NP | NP |
| Hotel or motel | NP | NP | P | C | NP | NP | NP |
| Library | P | P | P | P | P | P | NP |
| Medical service/office | C | P | P | P | P | P | NP |
| Museum | P | P | P | P | C | C | NP |
| Nursing home | C | P | P | P | C | NP | NP |
| Office, limited | P | P | P | P | P | P | C |
| Office, general | NP | P | P | C | C | C | NP |
| Parking lot, commercial | NP | NP | P | P | C | C | C |
| Parks and recreation | P | P | P | P | P | C | P |
| Pawn shops | NP | NP | P | NP | C | C | NP |
| Post office | C | C | P | P | C | C | NP |
| Recreation/entertainment, indoor | C | C | P | P | P | C | NP |
| Recreation/entertainment, outdoor | C | C | P | C | C | C | C |
| Restaurant, fast food | NP | C | P | C | C | C | NP |
| Restaurant, general | NP | P | P | C | C | C | NP |
| Retail/Service up to 5,500 SF | P | P | P | P | C | C | NP |
| Retail Service up to 10,000 SF | C | P | P | C | C | C | NP |
| Retail/Service greater than 10,000 SF | NP | C | P | C | C | C | NP |
| Safety services | P | P | P | P | P | P | NP |
| School, elementary / middle / high | C | P | P | P | NP | NP | NP |

| Zoning Districts | NC | C1 | C2 | CT | LI | I | EU-L |
|--|-----------|-----------|-----------|-----------|-----------|----------|-------------|
| Service station | NP | C | P | NP | P | P | P |
| Signs | * | * | * | * | * | * | * |
| *The placements of all shall be in accordance with city code | | | | | | | |
| Storage, outdoor (yard) | NP | NP | C | C | P | P | P |
| Utility, major | NP | C | C | C | C | C | C |
| Utility, minor | P | P | P | P | P | P | P |
| Vehicle and equipment sales | NP | NP | P | C | P | P | NP |
| Vehicle repair, general | NP | NP | P | C | P | P | NP |
| Vehicle repair, limited | NP | NP | P | C | P | P | NP |
| Vocational school | NP | C | P | P | P | P | NP |
| Warehouse, residential (mini) self-storage | NP | NP | P | P | P | P | NP |
| INDUSTRIAL, MANUFACTURING, AND EXTRACTIVE USES | | | | | | | |
| Asphalt or concrete plant | NP | NP | NP | NP | NP | C | NP |
| Auto wrecking or salvage yard | NP | NP | NP | NP | NP | C | NP |
| Basic industry | NP | NP | NP | NP | C | P | NP |
| Freight terminal | NP | NP | C | NP | C | P | NP |
| Manufacturing, general | NP | NP | NP | NP | C | P | NP |
| Manufacturing, limited | NP | NP | NP | P | P | P | NP |
| Mining or quarrying | NP | NP | NP | NP | NP | C | NP |
| Soil borrowing | NP | NP | NP | NP | C | C | P |
| Research services | NP | C | C | C | C | P | C |
| Warehousing primary | NP | NP | NP | C | P | P | NP |
| Warehousing ancillary | NP | NP | C | P | P | P | NP |
| Welding or machine shop | NP | NP | C | P | P | P | NP |
| AGRICULTURAL USES | | | | | | | |
| Agriculture, animal | NP | NP | C | NP | C | P | P |
| Agriculture, crop | NP | C | C | C | P | P | P |
| Agriculture, farmers' market | <u>C</u> | P | P | P | P | P | NP |
| Agriculture, product sales | C | C | C | C | P | P | NP |
| Animal, farm | NP | NP | NP | NP | NP | NP | P |
| Chicken, hobby | P | NP | NP | NP | NP | NP | NP |
| EXCLUSIVE USES | | | | | | | |
| Sanitary landfill | NP | NP | NP | NP | NP | NP | P |

§ 153.084 NONRESIDENTIAL LOT, YARD AND HEIGHT REGULATIONS.

(A) No lot or yard shall be established or reduced in dimension or area in any nonresidential district that does not meet the minimum requirements in the table that follows; nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

(B) *Minimum dimension requirements; non-residential districts.* **SEE APPENDIX B.**

(C) *Size reduced for public purpose.* When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least 75% of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

(D) *Utility exemption.* Utility facilities, using land or an unoccupied building requiring less than 1,000 square feet of site area, are exempt from minimum lot size requirements.

(E) *Setback reduced for public purpose.* When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

(F) In EU-L, setbacks do not apply when adjacent to property that is currently operating as a sanitary landfill, and the proposal is for an expansion of that landfill. The setbacks shall be met for any adjoining property that is not to be used for a sanitary landfill, or is owned by another entity or person.

(G) *Maximum height exclusions.* Chimneys, smokestacks, flares, ventilators, engine exhaust towers, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.

DRAFT

Chapter 153.184 Sign Regulations by District

City of Tontitown

3-24-2021

SIGNS

§ 153.184 SIGN REGULATIONS BY DISTRICT.

(A) The following signs shall be permitted to the zoning districts as indicated below. Specific requirements for each sign are shown on the following pages. All of the following sign types require a sign permit.

| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3L</i> | <i>R-3</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-1</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
|----------------|----------|------------|------------|------------|-------------|------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Awning | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Canopy | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Crown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A |
| Digital | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A* | A* | A* | A* |
| Double Post | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Monument | -- | C | C | C | C | C | C | C | C | C | A | A | A | A | A |
| Projecting | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Pylon | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A* | A* | A* | A* |
| Sandwich Board | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Shingle | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |
| Subdivision | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Wall | -- | -- | -- | -- | -- | -- | -- | A | -- | A | A | A | A | A | A |
| Window | -- | -- | -- | -- | -- | -- | -- | A | -- | A | A | A | A | A | A |

-- = Not Allowed

A = Allowed

A* = Allowed with Restrictions (See specific sign type section for additional details)

C = Allowed through a Conditional Use Permit issued by the Planning Commission

(B) Any sign type that is not listed above shall be prohibited.

(C) The following regulations for each sign type shall apply to any permitted use in a zoning district.

(1) *Awning sign.*



(a) *Description.* A sign where graphics or symbols are painted, sewn or otherwise adhered to the awning fabric or material that is soft or flexible as an integrated part of the awning itself.

(b) *Sign dimensions.*

1. Width (max): no greater than 75% of the width or depth of the awning.
2. Area (max): no maximum.

(c) *Regulations.*

1. Shall not extend beyond the awning itself.
2. Only awnings over ground story windows may contain a sign.

(d) *Number of signs.* In a single tenant situation, one awning sign permitted per awning. The awning sign can be placed on either the front or side valance. For multi-tenant awning signs, and a canopy that extends the length of several tenants, each tenant may have a maximum of nine square feet on the awning sign.

(e) *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-1 | C-2 | CT | LI | I |
|--------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Awning | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |

(2) *Canopy sign.*



Photo Credit: [wikimedia.org](https://commons.wikimedia.org/wiki/File:Canopy_sign.jpg)



(a) *Description.* Any sign that is mounted, painted, or otherwise applied on or attached to an architectural canopy or structural protective cover over an outdoor area.

(b) *Sign dimensions.*

1. Width: no greater than 75% of the width or depth of the canopy.
2. Height of text or graphics on the canopy: two feet.
3. Sign area (max): 24 square feet.
4. Sidewalk/driving surface clearance (min): ten feet.

(c) *Regulations.*

1. For awnings attached to a building:
 - a. The canopy sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.
 - b. Only awnings over ground story windows may contain a sign.
2. For free standing awnings: the canopy sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy.

(d) *Number of signs.*

1. For awnings attached to a building: one canopy sign permitted per each customer entrance. The canopy sign can be placed on either the front or side valance.
2. For free-standing awnings: one sign allowed per side for up to two sides maximum.

(e) *Total sign area allocation.*

1. For awnings attached to a building: the combined square footage of awning, canopy, crown, projection and wall signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.
2. For free-standing awnings; no more than 24 square feet total of awning signage allowed per free-standing awning.

| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>R-3L</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-I</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
|--------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Canopy | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |

(3) *Crown sign.*



(a) *Description.* A wall sign extending not more than three feet from the building facade located on the upper horizontal band of a building at least two stories in height.

(b) *Sign dimensions.*

1. Sign area: 250 square feet.
2. Height: eight feet.
3. Projection from facade: three feet.
4. Width: no greater than 75% of the width or depth of the facade.

(c) *Regulations.*

1. Only permitted on buildings at least two stories in height.
2. Cannot be placed below the start of the highest floor and cannot extend above the roofline.
3. Cannot cover architectural detail or windows.

(d) *Number of signs.*

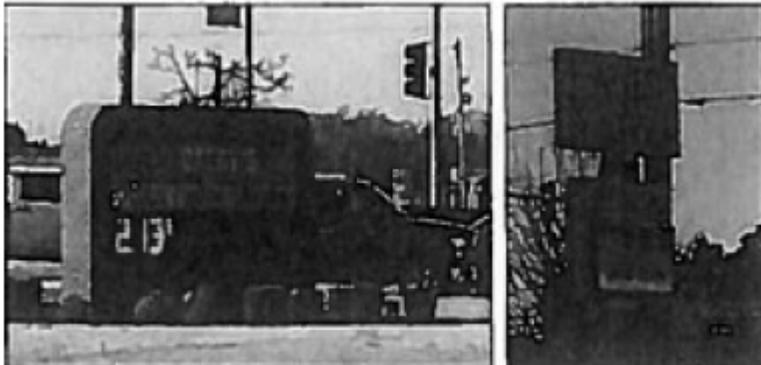
1. No more than one crown sign per building facade and no more than two crown signs per building are allowed.
2. No more than one tenant can be identified on the sign.

(e) *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed 20% of the total square footage of the

wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-1 | C-2 | CT | LI | I |
|-------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Crown | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A |

(4) *Digital signs.*



(a) *Description.* An electronically displayed sign that is static or changes messages by any electronic process or remote control. Permanently affixed sign which is wholly independent of a building for support. Must be part of a freestanding sign type (monument, pylon, or double post). A digital sign shall only be used in conjunction with another non-digital signage type.

(b) *Sign height, dimensions and number of signs.*

1. *Sign face area and height.* The digital sign shall be no greater than 50% of the size of the accompanying non-digital signage. Reference the individual sign area restrictions for signage type with which the digital sign will be paired.

2. Only one digital sign is allowed per street frontage of each lot.

3. Total structure height (max): Divided into two sections of intensity:

a. Forty (40) feet in height or less (from the eastern city limits boundary) to the intersection of Via De Tonti and HWY 412.

b. Twenty-five (25) feet in height or less (from the intersection of Via De Tonti and HWY 412 to the western city limits).

(c) *Regulations.*

1. Allowed only within 100 linear feet (to the north or south) of the HWY 412 R.O.W.

2. Must be set back at least ten feet from the front lot line and ten feet back from the side lot line.

3. Must have highway frontage.
4. No sign message shall be displayed for a period of time less than eight seconds.
5. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
6. No sign shall include any audio message.
7. Transition from one message to another message shall appear instantaneous as perceived by the human eye.
8. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
9. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3 foot candles above ambient light, as measured using a foot candle (Lux) meter.
10. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-1 | C-2 | CT | LI | I |
|---------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Digital | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A* | A* | A* | A* |

* Allowable only within 100 feet of the HWY 412 R.O.W.

(5) *Double post sign.*



(a) *Description.* A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by two posts.

(b) *Sign dimensions.*

1. Sign area (max): 48 square feet.
2. Height (max): eight feet.

(c) *Regulations.* Must be set back at least five feet from the front lot line and five feet back from the side lot line.

(d) *Number of signs.*

1. Only one double post sign structure (or monument or pylon sign*) is allowed per street frontage.

2. Where more than one monument sign or pylon sign* is allowed on the same property, must be a minimum of 500 feet apart.

| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>R-3L</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-1</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
|-------------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Double Post | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |



(6) *Pylon sign.*

(a) *Description.* A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including signs mounted to the ground.

(b) *Sign dimensions.*

1. Sign area (max): 100 square feet.
2. Total structure height (max): Divided into two sections of intensity:

a. Forty (40) feet in height or less (from the eastern city limits boundary) to the intersection of Via De Tonti and HWY 412.

b. Twenty-five (25) feet in height or less (from the intersection of Via De Tonti and HWY 412 to the western city limits).

(c) *Regulations.*

1. Single tenancy use only.
2. Allowed only within 100 linear feet (to the north or south) of the HWY 412 R.O.W.

(d) *Number of signs.*

1. Only one pylon sign structure* (or double post/monument sign) is allowed per street frontage of each lot.
2. Where more than one monument sign or pylon sign structure* is allowed on the same property, must be a minimum of 500 feet apart.
3. Placement of the sign within the lot may be evaluated by the planning official to achieve appropriate spacing of signage between adjoining lots (the goal is to keep signage evenly spaced along ROWS when possible).

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-I | C-2 | CT | LI | I |
|-------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Pylon | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A* | A* | A* | A* |

* Allowable only within 100 feet of the HWY 412 R.O.W.

(7) *Monument sign.*



(a) *Description.* A free-standing and permanently affixed sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure.

(b) *Sign dimensions when allowed by right.*

1. Sign area (max per sign):

- a. One tenant: 48 square feet.
- b. Two to three tenants: 72 square feet.
- c. Four to five tenants: 84 square feet.
- d. Six or more tenants: 108 square feet.

2. Height (max): eight feet for one to three tenants, 12 feet for four to six or more tenants.

(c) *Sign dimensions in N-C (allowed by Conditional Use Permit).*

1. Sign area (max per sign):

- a. One tenant: 18 square feet.
- b. Two to three tenants: 24 square feet.
- c. Four to five tenants: 30 square feet.
- d. Six or more tenants: 38 square feet.

2. Height (max): four feet for one to three tenants, 6 feet for four to six or more tenants.

(c) *Regulations.*

1. Must be set back at least ten feet from the front lot line and ten feet from the side lot line.

2. The size of the monument sign for applicants which include more than six tenants may be increased by conditional use permit approved by the Planning Commission.

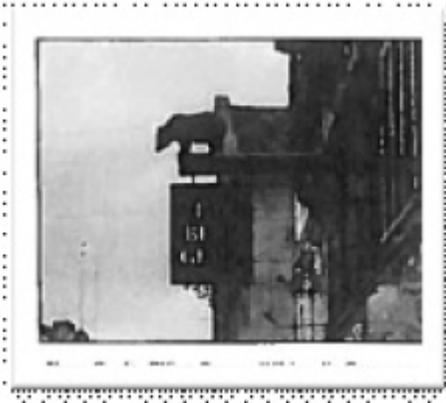
(d) *Number of signs.*

1. Only one monument, double post or freestanding sign structure is allowed per street frontage.

2. Where more than one monument, double post or freestanding sign structure is allowed on the same property, must be a minimum of 500 feet apart.

| | A | R- E | R- 1 | R- 2 | R- 3 | R- 3L | R-4 | R- MF- 16 | R- MH | NC | C-I | C- 2 | CT | LI | I |
|----------|----------|-----------------|-----------------|-----------------|-----------------|------------------|------------|--------------------------|------------------|-----------|------------|-----------------|-----------|-----------|----------|
| Monument | -- | C | C | C | C | C | C | C | C | C | A | A | A | A | A |

(8) *Projecting sign.*



(a) *Description.* A sign, other than a wall sign, that is mounted to the wall or surface of a building or structure and which is supported by a wall of a building or structure and projects from the building by 12 inches or more.

(b) *Sign dimensions.*

1. Height (max): four feet (mounted below second floor); eight feet (mounted between the second and third floor); twelve feet (mounted above the third floor).
2. Spacing from building facade (max): one foot.
3. Projection width (max): six feet.
4. Depth (max): one foot.
5. Clear height above sidewalk (min): ten feet.

(c) *Regulations.*

1. May be mounted on a building corner when the building is at the intersection of two streets.
2. Top of the sign may be no higher than the top of the building.

(d) *Number of signs.* A maximum of one projecting sign or shingle sign for each individual building or for each public/private street or parking area frontage side of an individual building.

(e) *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

| | A | R- E | R- 1 | R- 2 | R- 3 | R- 3L | R-4 | R- MF- 16 | R- MH | NC | C-I | C- 2 | CT | LI | I |
|------------|----------|-----------------|-----------------|-----------------|-----------------|------------------|------------|--------------------------|------------------|-----------|------------|-----------------|-----------|-----------|----------|
| Projecting | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |

(9) *Sandwich board sign.*



(a) *Description.* A movable sign not secured or attached to the ground or surface upon which it is located.

(b) *Sign dimensions.*

1. Sign area (max): nine square feet.
2. Sign height (max): three feet.
3. Sign width (max): two and one-half.

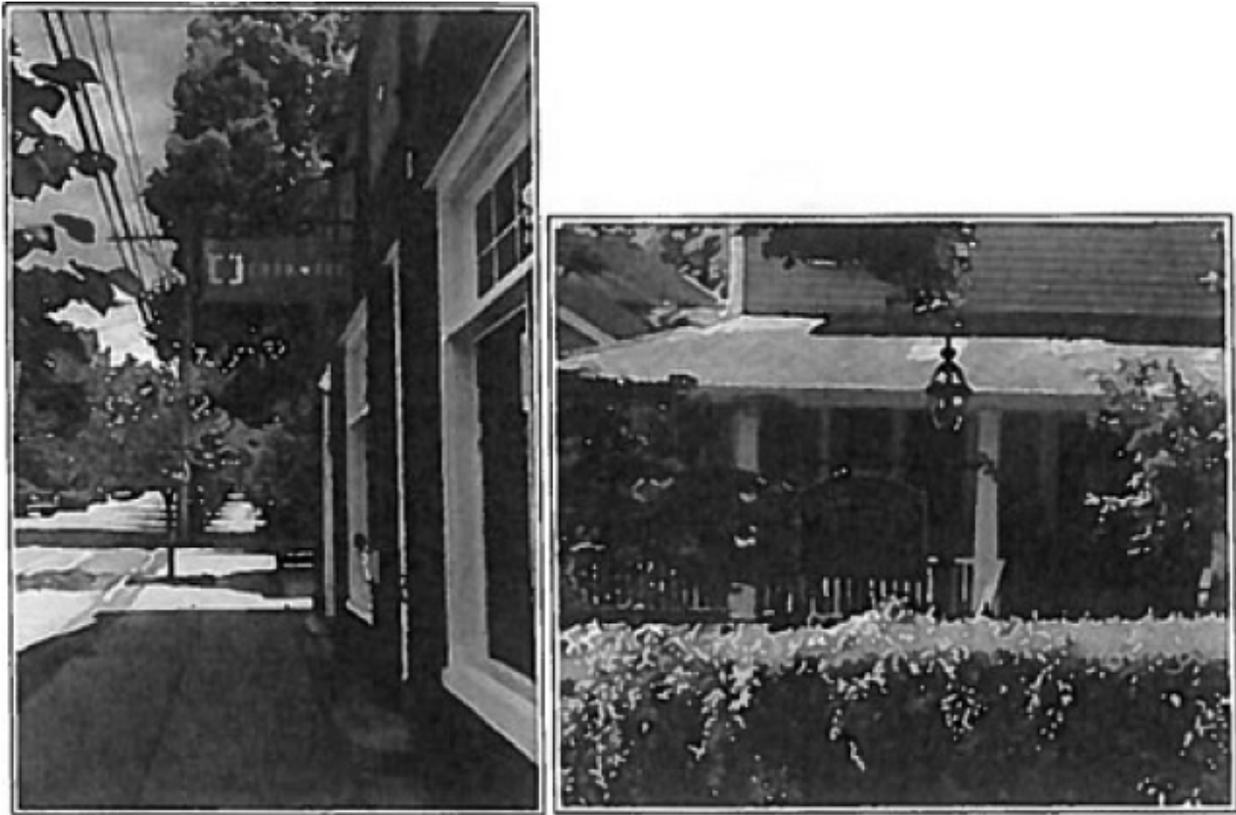
(c) *Regulations.*

1. Must be removed and placed indoors at the close of business each day.
2. Cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.
3. May not be illuminated.

(d) *Number of signs.* Each ground floor tenant can have one sidewalk sign located adjacent to the primary facade on the sidewalk with the principal customer entrance or up to eight feet from the facade.

| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>R-3L</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-1</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
|----------------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Sandwich Board | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |

(10) *Shingle sign.*



(a) *Description.* A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

(b) *Sign dimensions.*

1. Sign area (max): nine square feet.
2. Height (max): three feet.
3. Spacing from building facade (max): one foot.
4. Projection width (max): three feet.
5. Depth (max): six inches.
6. Clear height above sidewalk (min): ten feet.

(c) *Regulations.*

1. Must be located within five feet of an accessible building entrance.
2. Must be located below the window sill of the second story on a multi-story building or below the roof line of a single story building.
3. May not be illuminated.

(d) *Number of signs.* A maximum of one projecting sign or shingle sign for each individual building or tenant of each individual building or for each public/private street or parking area frontage side of an individual building.

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-1 | C-2 | CT | LI | I |
|---------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Shingle | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | A | A | A | A | A |

(11) *Subdivision sign.*



(a) *Description.* A permanently affixed sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal or wall that is used to identify the entry to or name of an entire development.

(b) *Sign dimensions.*

1. Sign area (max): 32 square feet (sign face).
2. Height (max): eight feet (sign face).

(c) *Regulations.*

1. Must be set back at least ten feet from the front property line and 15 feet from the side property line.
2. Must not impair vision or line of sight for incoming or outgoing traffic.

(d) *Number of signs.* Two subdivision signs are allowed per street frontage, one on each side of an entrance street into a subdivision.

| | | | | | | | | | | | | | | | |
|-------------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>R-3L</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-1</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
| Subdivision | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

(12) *Wall sign.*



(a) *Description.* Means any attached sign other than a projecting sign or a banner sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than 12 inches.

(b) *Sign dimensions.* Sign area: a maximum of 15% of the square footage of the building's wall area facing a public/private street, drive, or parking area.

(c) *Regulations.*

1. Must be no higher than the highest point of the second floor of the building.
2. Must not extend above the roof line or above a parapet wall of a building with a flat roof.
3. May not cover architectural detail.
4. May not extend above the lower eave line of a building with a pitched roof.

(d) *Number of signs.*

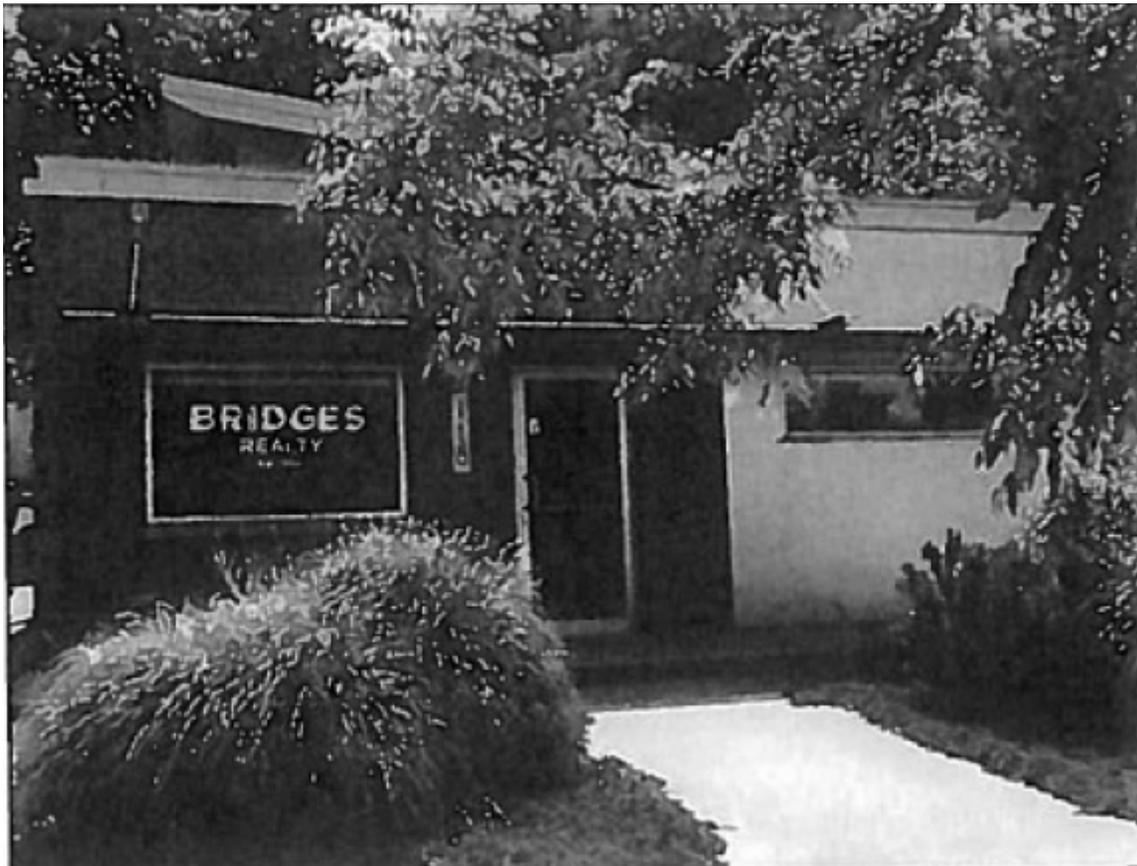
1. While there is no set restriction on the maximum number of signs allowed, multi-tenancy buildings must consider that the percentage of wall area must be divided between multiple tenants (if a building has multi-tenancy occupancy).
2. In no event shall the sign area for available frontage used by multiple tenants exceed the maximum sign area set forth in this section.

(e) *Total sign area allocation.* The combined square footage of awning, canopy, crown, projection and wall signs shall not exceed 20% of the total square footage of the

wall area of that side of the building, not to exceed a maximum total amount of 800 square feet per wall.

| | <i>A</i> | <i>R-E</i> | <i>R-1</i> | <i>R-2</i> | <i>R-3</i> | <i>R-3L</i> | <i>R-4</i> | <i>R-MF-16</i> | <i>R-MH</i> | <i>NC</i> | <i>C-1</i> | <i>C-2</i> | <i>CT</i> | <i>LI</i> | <i>I</i> |
|------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Wall | -- | -- | -- | -- | -- | -- | -- | A | -- | A | A | A | A | A | A |

(13) *Window sign.*



(a) *Description.* An attached sign that is not a temporary sign and which is attached to, painted on, etched or otherwise adhered to a window or which is displayed within 12 inches of the window and is legible from outside the window.

(b) *Regulations.*

1. No permit required.
2. Limited to 35% of window area.

(c) *Number of signs.* No restrictions.

| | A | R-E | R-1 | R-2 | R-3 | R-3L | R-4 | R-MF-16 | R-MH | NC | C-I | C-2 | CT | LI | I |
|--------|----------|------------|------------|------------|------------|-------------|------------|----------------|-------------|-----------|------------|------------|-----------|-----------|----------|
| Window | -- | -- | -- | -- | -- | -- | -- | A | -- | A | A | A | A | A | A |

(D) Sign regulations enacted for overlay districts within the city shall supersede this code to the extent that such regulations conflict.

(E) *Illumination.* No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

(1) Illumination is restricted to incandescent or LED light bulbs rated at 150 watts, or an amount not to exceed 2,700 lumens.

(2) *Internal illumination.* Internally illuminated signs must be lit from a concealed source. No exposed lamps or tubes shall be permitted. The minimum depth for illuminated signs shall be four inches. Illuminated signs may be set out from the mounting surface in order to create a silhouette effect.

(3) *External illumination.* Signs may be externally illuminated as provided herein, but external illumination must direct light at the sign only and avoid spill-over of light.

(F) *Changeable copy signs.* Manual and electronic changeable copy on monument signs shall be permitted provided that the manual or changeable copy does not exceed 40% of the sign area and the copy rotation may not exceed three times per day.

(G) *Procedures.* Applications for a sign permit must be processed through the Building Official.

(H) *Non-conformity and modification.*

(1) A non-conforming sign cannot be replaced by another non-conforming sign, including face material, except that the substitution or interchange of poster panels or painted boards on a non-conforming signs is permitted. All non-conforming signs must be maintained in a safe manner and in good repair.

(2) Minor repairs and maintenance of non-conforming signs is permitted. However, no structural repairs, structural changes or changes in the size, shape or technology currently being used on the sign is permitted except to bring the sign out of its non-conforming condition and into compliance with the requirements of this code.

(3) Non-conforming signs may stay in place until one of the following conditions occurs:

(a) The business advertised ceases at that location, except that the substitution or interchange of poster panels or painted boards is permitted;

(b) The deterioration of the sign makes it a hazard; or

(c) The sign has damage exceeding 50% of its replacement cost.

(l) *Compliance.* Any non-conforming sign which is altered, relocated, replaced in a manner not specifically covered in division (F) above must be brought immediately into compliance with all provisions of this code.

(Ord. 2018-05-786, passed 5-1-18)

DRAFT

Chapter 153.212 Landscaping, Screening, Fencing, and Buffering

City of Tontitown

3-24-2021

153.212 LANDSCAPING, SCREENING, FENCING, AND BUFFERING.

(A) *Purpose.* The purpose of this section is to ensure a minimum of open space and green area as an integral part of new development and to protect the health and welfare of its citizens through the regulation of landscaping of new residential, multi-family residential, commercial, and industrial developments.

(1) Landscaping enhances the environmental and visual character of the community.

(2) Green space requirements preserve and stabilize the area's ecological balance by establishing a healthier environment.

(3) Green areas help to mitigate the negative effects of air and noise pollution by using plants as buffers, and slow and reduce storm water runoff.

(4) Fencing and landscaping provides visual screening and buffering, and screens between incompatible land uses.

(5) Landscaping enhances parking lots.

(6) Greenspace requirements can establish parks and other outdoor amenities for the citizens of the city.

(B) *Objectives.* Landscaping and screening should be an integral part of a development. This section is designed to promote high quality developments, protect property values and public investment in our community. Objectives of this section include, but are not limited to, the following:

(1) To moderate the effects of the sun, wind, and temperature changes;

(2) To filter pollutants from the air and release oxygen;

(3) To stabilize soil and prevent erosion;

(4) To encourage preservation of desirable trees; and

(5) To provide buffering between different uses and developments.

(C) *Applicability.* The requirements of this section shall apply to:

(1) New developments. All new public, private, and institutional developments;

(2) New parking lots or the expansion of existing parking lots in any zone which increases the parking to 60 or more spaces, or to parking lots with fewer than 60 spaces, when the Planning Board deems necessary for improved control and safety of pedestrians; and

(3) Additions. All additions to existing buildings.

(D) *Exemptions.*

(1) Any individual who purchases, builds, or remodels a single-family home located in any zoning district is exempt from all requirements of this section.

(2) *Existing development; changes in use.* Improvements or repairs to existing developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

(E) *General provisions.*

(1) *Sight distances.* Safe sight distances at intersections and points of access must be maintained. No landscaping shall constitute a hazard to traffic, including, but not limited to, landscaping located within the sight triangle of an intersection.

(2) *Replacement.* Vegetation planted or preserved according to an approved plan shall remain alive for a minimum of three years from the date of certificate of occupancy. Vegetation that is planted or preserved that does not remain alive for three years shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded, but which subsequently die, shall be replaced according to the Tree Preservation Credits Table.

(3) *Irrigation.* Required landscaping shall be irrigated by one of the following methods:

(a) Underground sprinkler system;

(b) Automatic drip system; or

(c) Hose bib attachment within 100 feet of all landscaped areas.

(4) *Artificial plants.* No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Board.

(5) Street trees are the only required landscaping that may be planted in the right-of-way.

(6) *Planting areas.* Planting areas that contain trees shall be at least seven feet wide and protected by raised curbs to prevent damage by vehicles when in or adjacent to parking or drive aisles, unless shown otherwise in the adopted street section.

(7) *Dumpster screening.* Dumpsters located in any district shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet, or one foot taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster from all sides, and be compatible in material and color with the principal structure on the lot. All dumpsters shall have a secured top to prevent materials from blowing out.

(F) *Landscape plans.*

(1) The landscaping plan is required to address the following requirements:

(a) Street trees;

- (b) Landscape street frontage buffer;
- (c) Interior parking lot landscaping; and
- (d) Perimeter landscaping.

(2) The following information is required on landscape plans and shall be completed by a landscape architect or landscape professional in order for staff to review for compliance:

(a) *Existing vegetation.* Location, general type and quality of existing vegetation, including trees on site;

(b) *Preservation.* Existing vegetation to be saved;

(c) *Protection.* Methods and details for protecting existing vegetation during construction and approved sediment control plan;

(d) *Proposed plants.* Location and labels for all proposed plants;

(e) *Landscape details.* Plant list with botanical and common names, quantity, spacing, and size of all proposed landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

(f) *Installation details.* Planning and installation details as necessary to ensure conformance with all required standards;

(g) *Sight triangle.* The sight triangle shall be indicated on the plan with dimensioned shaded area;

(h) *Irrigation.* The plans shall indicate the type of irrigation to be used. If a hose bib is proposed, the location shall be shown on the plan.

(i) *Three-year guarantee.* Guarantee from the developer that all plant materials will be warranted for a period of three years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

(G) *Street trees.* Per the adopted street sections, street trees may be required within the greenspace between the road and sidewalk. Street trees are the only landscaping that may be planted in the right-of-way. Street trees shall be optional for Local Streets. Street trees shall be required for Collector, Minor Arterial, and Arterial streets per the adopted street sections.

(1) *Purpose.* Street trees provide a key piece to complete streets along with sidewalks, trails, and appropriate pedestrian connections. They help shape and define street corridors.

(2) *Minimum trees required.* One street tree for every 50 linear feet is required. Variations in spacing are allowable to accommodate driveways or on-street parking. Street trees shall generally be centered in the greenspace between the sidewalk and the curb.

(H) Residential Subdivision Landscape Standards.

(1) *Applicability.* Required for newly constructed single-family and duplex residential subdivisions.

(a) Residential Large-Scale Developments shall follow the requirements for “multi-family residential” per this code section.

(2) One (1) shade tree per unit shall be placed in the front yard area of each lot. (i.e. single-family lots require one (1) shade tree to be placed, but duplex lots require two (2) shade trees to be placed)

(3) Minimum tree caliper size shall be two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. Existing trees may be credited.

(4) Final occupancy permits may be held for those who fail to complete landscape requirements.

(l) *Landscaped street frontage buffer.* The street frontage buffer is the planting area parallel to the public street right-of-way.

(1) *Purpose.* The landscaped street frontage buffer serves one primary purpose: it provides an aesthetically pleasing transition from the public right-of-way to private property.

(2) *Prohibitions.* Parking, merchandise display, and off-street loading are prohibited in the landscaped street fontange buffer.

(3) *Exemptions.* Single-family and duplex residential subdivisions (designed with no more than one structure per lot) are not required to provide a landscaped street frontage buffer.

(4) *Buffer options: commercial/institutional.* The site plan for any development, other than a development that is exempt, shall show a landscaped street frontage buffer along all public rights-of- way. The applicant may choose a combination of options below.

(a) Ten-foot buffer strip; minimum 10 feet wide.

1. *Minimum number of shrubs.* Five shrubs/small trees per 30 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

2. Sight visibility must be maintained.

(b) *Earth berm.*

1. *Minimum height.* Two and one-half feet higher than the finished elevation of the parking lot.

2. *Minimum number of shrubs/small trees.* Three shrubs/small trees per 30 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

3. Sight visibility must be maintained.

(5) *Buffer options: multi-family residential.* Multi-family residential developments shall be required to have perimeter fencing for the entire development.

(a) A perimeter fence shall be provided between the development and other uses in order to provide privacy and separation. This must be approved with the development plan and shall conform to all fence regulations.

(b) *Vehicular access.* The perimeter fencing requirement does not preclude the need for vehicular access to be provided for future connectivity.

(c) A decorative fence shall be required along public streets that are classified as collectors or above. This shall consist of a durable (not a wood privacy fence) material. Wrought iron fencing is preferred. Additionally, this fence shall be planted with a minimum of five small trees per 30 linear feet of street frontage within a minimum ten-foot buffer strip. All plant material shall be evergreen. Preference for grouping.

(d) Different phases of the same development are not required to be separated.

(e) Sight visibility must be maintained.

(6) *Buffer options: industrial.* The site plan for any development, other than a development that is exempt, shall show a landscaped street frontage buffer along all public rights-of-way. The applicant may choose a combination of options below.

(a) Ten-foot buffer strip; minimum ten feet wide.

1. *Minimum number of shrubs.* Five shrubs/small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

2. Sight visibility must be maintained.

(b) *Earth berm.*

1. *Minimum height.* Two and one-half feet higher than the finished elevation of the parking lot.

2. *Minimum number of shrubs/small trees.* Three shrubs/small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

3. Sight visibility must be maintained.

(J) *Interior parking lot landscaping.* Interior parking lot landscaping is the planting area within and adjacent to parking areas.

(1) *Purpose.* The interior parking lot landscaping:

(a) Provides necessary green space to give relief to expansive parking areas with nothing but asphalt;

(b) Trees provide shade and serve as windbreaks; and

(c) Planting islands assist with vehicular circulation.

(2) *Applicability.* Interior parking lot landscaping requirements apply to new parking lots or the expansion of existing parking lots in any zone which increases the parking to 60 or more spaces, or to parking lots with fewer than 60 spaces, when the Planning Board deems necessary for improved control and safety of pedestrians.

(3) *Exemptions.* Parking lot landscaping shall not apply to multi-level parking structures, or areas devoted to drive-thru lanes.

(4) *Requirements.* The site plan shall show interior parking lot landscaping. Planting islands are required for every 15 parking spaces.

(a) The minimum dimensions of a planting island are 9 feet by 18 feet and must be curbed to protect plantings. Each island shall have a minimum of two small trees or one large tree.

(b) *Groundcover.* All interior parking lot landscaped areas shall be landscaped with groundcover.

1. Living materials such as grass/other vegetation shall make up 60% of the groundcover for the interior parking lot landscaping.

2. Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

3. Non-organic material may be approved if the parking lot landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(5) *Vehicle and equipment sales lots or storage areas.* Applicants shall select one of the following options for vehicular and equipment sales lots or storage areas.

(a) *Compliance with standard.* Comply with the interior parking lot landscaping requirements and the required street frontage requirements.

(b) *Increase street frontage buffer.* In lieu of the interior parking lot landscaping requirements, increase the required street frontage buffer to 15 feet wide and install the number of trees required for the interior landscape requirements within the street frontage buffer.

(K) *Interior site landscaping.* Interior site landscaping is immediately adjacent to the front of buildings.

(1) *Purpose.* The interior parking lot landscaping:

(a) Provides necessary green space to enhance and soften the transition from parking lot to the building; and

(b) Provides pedestrian friendly spaces.

(2) *Exemptions.* Single-family and duplex residential subdivisions (designed with no more than one structure per lot) are not required to provide interior site landscaping.

(3) *Commercial and institutional: interior site landscaping.* Shrubs, perennial plants, or other vegetation in curbed planting beds or raised planters to span a minimum of 25% of the building frontage. Planters are encouraged be arranged to create outdoor seating opportunities. At least one large tree or two small trees per unit/suite is required.

(a) Living materials shall make up 80% of the curbed planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(4) *Multi-family residential: interior site landscaping.* A minimum of seven shrubs, perennial plants, or other vegetation in planting beds or raised planters per unit are required. Planters are encouraged be arranged to create outdoor seating opportunities. At least one large tree or two small trees per every 10 units is required. Grouping is preferred.

(a) Living materials shall make up 80% of the planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(5) *Industrial: interior site landscaping.* Shrubs, perennial plants, or other vegetation in planting beds to span a minimum of 15% of the building frontage. At least one large tree or two small trees shall be required every 200 linear feet within the planting beds.

(a) Living materials shall make up 80% of the curbed planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(c) Non-organic material may be approved if the building landscape functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(L) *Landscaped perimeter buffer.* Perimeter landscaping is a peripheral planting strip along rear and side lot lines that separates uses.

(1) *Purpose.* Perimeter landscaping:

(a) Defines parking areas;

(b) Prevents two adjacent lots from becoming one large expanse of pavement;

(c) Provides protection for residential uses and other marginally compatible uses;

(d) Provides vegetation in densely developed areas; and

(e) Enhances the appearance of individual properties.

(2) *Requirements.* The site plan for any development shall show perimeter landscaping in addition to the landscaped street frontage buffer required.

(a) *Width.* A five-foot landscaped strip is required along the side and rear lots lines of a development.

(b) *Minimum number of trees.* One large tree or two small trees per every 50 feet.

(c) *Groundcover.* All perimeter landscaped areas not dedicated to preservation of existing vegetation shall be landscaped with groundcover.

1. Living materials such as grass/other vegetation shall make up 60% of the groundcover for the perimeter landscaping.

2. Non-living material shall be organic (mulch or other) and shall make up the remainder of the groundcover.

3. Non-organic material may be approved if the perimeter landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(3) *Vehicular access.* The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.

(4) *Adjacent properties.* The five-foot perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.

(5) *Pavement.* No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location.

(6) *Special standards: commercial/institutional.* When located adjacent to and within 200' from a residential use, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.

(a) *Physical barrier.* A physical barrier shall be required that shall be a minimum of six feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.

(b) Trees and shrubs shall be placed in front of the barrier (on the developing side) to reduce parking lot noise.

(c) Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.

(d) At least 50% of the trees and shrubs shall be evergreen.

(e) *Tree preservation.* Existing healthy trees (as detailed in division (M)) may be included as a portion of the landscaped screening.

(f) If a large buffer is retained, these standards may be reduced based on expected reduction of impact. The Planning Board shall approve any reduction.

(7) *Special Standards: industrial.* In addition to the standard required for commercial/institutional, *when located adjacent to and within 200' from a residential*

use, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.

(a) Physical barrier. A physical barrier shall be required that shall be a minimum of eight (8) feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.

(b) Trees and shrubs shall be placed in front of the barrier (on the developing side) to reduce parking lot noise.

(c) Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.

(d) At least 50% of the trees and shrubs shall be evergreen.

(e) Tree preservation. Existing healthy trees (as detailed in division (M)) may be included as a portion of the landscaped screening.

(f) If a large buffer is retained, these standards may be reduced based on expected reduction of impact. The Planning Commission shall approve any reduction.

(M) Landscape installation requirements. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All plants shall be nursery grown and adapted to the local area. All landscape material, both living and non-living, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, insuring that planting will take place when planting season arrives.

(1) Location.

(a) Drainage. Trees shall not be placed where they interfere with site drainage.

(b) Overhead utilities.

1. Trees shall not be placed where they require frequent pruning in order to avoid inference with overhead power lines. In such locations, small ornamental trees are encouraged. Every effort shall be made to avoid placing trees directly under overhead utilities.

2. **Substitution of large trees.** Where large trees are required, and placement under or near overhead utilities is necessary to meet the landscaping requirements, two small trees may be used to substitute for one required large tree.

(c) Underground utilities. Landscaping shall be installed at locations that avoid placement directly above water lines. Where possible, tree plantings shall be located a minimum of five feet from all underground utilities.

(d) Fire hydrants. Landscaping shall not be placed within five feet of a fire hydrant.

(e) *Right-of-way.* Trees are required to be placed in the right-of-way per the adopted street sections, with the exception of Local Streets. Local streets may choose to place street trees if desired. When street trees are required, they shall be centered within the greenspace between the road and sidewalk.

(2) *Minimum size.* Upon planting, plant material shall meet the following minimum requirements.

(a) *Shrubs.* Shrubs planted to satisfy the standards of this section shall be a minimum of three gallons in size.

(b) *Small deciduous or ornamental trees.* Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet, and a minimum caliper of one and one-half inches.

(c) *Conifers or evergreens.* Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of six feet.

(d) *Medium and large deciduous trees.* Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet, and a minimum diameter of three inches, measured at a point that is at least four feet above existing grade level.

(e) *Use of existing plant material.* Trees that exist on a site, prior to its development, may be used in part to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section.

(3) *Species mix.* When more than ten trees are required to be planted to meet the standards of this section, a mix of species shall be provided. For each ten, or fraction thereof, another differing species shall be used.

(N) *Tree preservation credits.* Whenever possible, existing trees, especially those with an 8-inch or greater DBH (diameter at breast height), should be preserved. Established trees with existing canopy benefit the city and enhance the quality of life for citizens.

(1) *Healthy trees.*

(a) No tree preservation credits will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees shall be a minimum four-inch caliper to be counted towards tree preservation.

(b) *Protection during construction.* Trees for which credit is given shall be protected during construction from:

1. Mechanical injuries to root, trunk, and branches;
2. Injuries by chemical poisoning;
3. Injuries by excavation; and
4. Injuries by paving.

(2) *Credit options.* If an applicant is preserving trees, he may use the existing trees as credit either toward a reduction in parking requirements or in a reduction of the number of trees required, as described below and as approved by the Planning Board.

(a) *Reduction of parking requirements.* To allow an existing or new development to preserve trees within or adjacent to a parking lot, the number or required off-street parking spaces may be reduced as described below:

1. Total diameter of all preserved trees from 4 to 7.9 inches allows the reduction of one required parking space;
2. Total diameter of all preserved trees from 8 to 22.9 inches allows the reduction of two required parking spaces;
3. Total diameter of all preserved trees from 23 to 29.9 inches allows the reduction of three required parking spaces; and
4. Total diameter of all preserved trees 30 inches and larger allows the reduction of four required parking spaces.

(b) *Reduction of required trees.*

1. Not to include a reduction to required street trees.
2. Not to include a reduction to trees intended as a buffer for a residential use, or a marginally compatible use, unless the protected trees are existing within a preserved buffer area.
3. Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:
 - A. Total diameter of the preserved tree from 4 to 7.9 inches allows the reduction of one required large tree;
 - B. Total diameter of the preserved tree from 8 to 22.9 inches allows the reduction of two required large trees;
 - C. Total diameter of the preserved tree from 23 to 29.9 inches allows the reduction of three required large trees; and
 - D. Total diameter of the preserved tree 30 inches or greater allows the reduction of four required large trees.

(3) *Additional development.* If a natural area is left undeveloped in order to fulfill these credit options, that is then to be developed, all credits will be revoked; the developer is responsible for adding trees to replace those for which credit was given.

(O) *Maintenance and replacement.* Trees, shrubs, fences, walls, and other landscape features (which includes screening) depicted on plans approved by the city shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner or

successors in interest, or agents, if any, shall be jointly and severally responsible for the following:

(1) Regular maintenance of all landscaping in good condition, and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, as needed and in accordance with acceptable horticultural practices;

(2) The repair or replacement of required landscape structures (for example, fences and walls) to a structurally sound condition;

(3) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and

(4) *Continuous maintenance of the site. Three-year guarantee.* Guarantee from the developer that all plant materials will be warranted for a period of three years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

(P) *Alternative methods of compliance.*

(1) *Alternative compliance.* Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved by the Planning Commission, an alternative compliance landscape plan may be substituted, in whole or in part, for the landscaping requirements of this section.

(2) *Procedure.*

(a) Alternative compliance landscape plans shall be considered through the site plan review process.

(b) *Review criteria.* In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards, and plans that demonstrate innovative design and use of plant materials. Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

1. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;

2. Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffering or screening standards of this section;

3. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site;

4. The site involves unusually shaped parcels that make full compliance impossible or impractical;

5. Due to a change of use of an existing site, the required landscaping exceeds the amount that can be approved;

6. Safety considerations require a change; or

7. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

(Q) *Dedication and landscaping of neighborhood parks.*

(1) *Purpose.* Provide health and wellness through recreational opportunities, social engagement, neighborhood community building, nature education; parks increase neighborhood and city property values and contribute to overall quality of life.

(2) *Ratios for dedication.*

(a) Developers of residential developments with more than five lots/units, shall dedicate, in perpetuity, to the city, land area exclusive of streets, for a park and/or trails within the development. Land shall be dedicated at a ratio of .02 acres (870 SF) of land for each single-family dwelling unit and .01 acres (435 SF) for each multi-family dwelling unit. If the dedicated land area will be less than one acre in size, the "in lieu of fee" will automatically be required.

(b) *Dedication.* Dedication of land must be made before the city signs the final plat or the building permit is issued for the development. Deeded land is dedicated park land and is not subject to any right of reversion or refund.

(3) *Fee payment in lieu of land conveyance.* In lieu of land dedication, the developer shall contribute to the City Parks and Trails Development Fund \$250 for each single-family unit and \$100 for each multi-family unit. The city shall review the designated fees every two years and make adjustment suggestions to the City Council.

(a) *Use of fees.* Fees in lieu of dedication for parks shall be deposited in the City Parks and Trails Development Fund and shall only be used for park or trail acquisition, development, maintenance, or upgrades, as determined by the city.

(b) *Fees.* Intention for fees in lieu of dedication shall be included in the development agreement and paid prior to the city's signature of, and release of, the final plat.

(4) *Location of park.* The most suitable location for a park may be determined by the developer and approved by the Planning Board. Dedicated park land shall be contiguous and shall be dedicated in perpetuity. Land, when dedicated, shall be shown on the preliminary and final plats and on site plans and landscape plans.

(5) *Unacceptable park land.* Street front landscape buffers or parking lot landscape buffers and islands; stormwater detention ponds; irrigation ditches, swales, and stormwater channels; land with excessive grade; land with immovable trash, junk, and/or pollutants; or any other land deemed unsuitable by the Planning Board shall not be dedicated as park land.

(6) *Required essential landscaping and infrastructure.*

- (a) Community green space with bench seating (minimum two benches);
- (b) Open turf grass area;
- (c) ADA accessible walking trail or path into public area;
- (d) Trash receptacle to be approved by the city. The city will be responsible for trash disposal;
- (e) Water and sewer connections (there will be no charge for these taps);
- (f) Other utility easements for nature connections;
- (g) Hose bib connection;
- (h) Vegetation planning requirements below. These can be altered at the discretion of the Planning Board when native trees, shrubs, grasses, and other vegetation are preserved.
 - 1. Minimum of four large trees;
 - 2. Minimum of two small trees;
 - 3. Other perennial vegetation;
- (i) A minimum of one active use enhancement per acre shall be incorporated into the park;
 - 1. Children's playground equipment;
 - 2. Splash pad park;
 - 3. Sports facility, which can include bocce court, volleyball court, basketball court, tennis court, soccer field, disk golf course, or other facility approved by the Planning Board;
 - 4. Hiking or biking trails; or
 - 5. Other amenity approved by the Planning Board;
- (j) Other optional amenities to include (not required):
 - 1. Lighting;
 - 2. Picnic tables;
 - 3. Barbeque grills;
 - 4. Restroom facilities;
 - 5. Gazebo or pavilion;
 - 6. Rain garden or other display garden; or
 - 7. Drinking fountain.

(7) *Park naming rights.* The developer shall have naming rights for the park, subject to approval by the Planning Board.

(8) *Ownership and maintenance/replacement.* Dedicated parks shall be maintained by the city.

(9) *Park design and construction standards.* Developer shall design and construct neighborhood parks in compliance with all city design standards for public improvements.

(10) *Performance bond; landscaping installation, maintenance, and replacement of landscaping materials.*

(a) *Performance bond/guarantee requirement.* At the time of presentation of the final landscape site plan, the developer shall be required to provide the city with a performance bond, certificate of deposit, or letter of credit to ensure full compliance with landscape installation and a two-year replacement/maintenance requirement for the dedicated park. The bond instrument shall be subject to rules found in §§ 152.030 through 152.032 regarding actions to be taken by the city and developer depending on the type of bond submitted.

1. If all landscaping has been installed per the plan, the performance bond shall be for 50% of the cost of material and labor.

2. If the landscaping has not been installed, the bond shall be for 100% of the cost of material and labor.

3. The bond shall be irrevocable and shall list the city as sole beneficiary.

4. The bond shall be in a form approved by the City Attorney.

5. The bond shall run for no less than 24 months.

6. Should the city have to complete the approved landscaping site plan and/or replace dead landscaping material within two years of planting, as determined by the city staff after consultation with the city's engineer, the city shall be entitled to payment upon making demand for payment under the terms of the bond, cash deposit, or letter of credit. The city shall be entitled to use all of the money secured by the bond, cash deposit, or letter of credit to assure the proper installation or maintenance of the improvement.

7. The subdivider shall not be entitled to any excess monies until the installation and/or maintenance of the improvements in the park have been satisfactorily completed.

(b) *Installation.* All landscaping shall be installed in accordance with the standards and requirements of this section. Permits for building, paving, utilities, or construction shall not be issued until a landscape site plan including all required information is submitted and approved by the Planning Board. The landscape site plan must be submitted with the site plan.

(c) *Delays in planting.* When construction has been completed but it would be impractical to plant trees, shrubs, grass, or other landscape material due to weather conditions, upon approval of the city, the developer shall be given additional time to complete all required landscaping; further, a temporary occupancy permit may be issued by the Building Inspector. The developer or builder must make every effort to finish the project within the given timeframe for completion that both parties have agreed to.

(d) *Enforcement.* Final occupancy permits and /or final plats will be held for those who fail to complete the landscaping requirements that the city and developer have agreed to.

(R) *Recommended trees and shrubs.*

(1) *Criteria.* The following lists indicate plantings that meet the landscaping requirements. These are recommendations. Other species may be considered by the city, unless specifically prohibited in other official city documents or ordinances. No known invasive species shall be allowed.

(a) All plant materials should be spaced appropriately in accordance with mature plant size.

(b) Plant materials intended for screening as required should be spaced appropriately to form the appropriate screen upon maturity.

(c) *Perennials and grasses.* No restrictions, natives and drought tolerant species preferred.

(2) *Recommended plant lists.*

(a) *Large trees.*

| Common Name | Scientific Name | Not to be Used as a Street Tree |
|----------------------|------------------------------|--|
| American Beech | <i>Fagus grandifolia</i> | X |
| American Holly | <i>Ilex Opaca</i> | X |
| American Hophornbeam | <i>Ostrya virginiana</i> | |
| Baldcypress | <i>Taxodium distichum</i> | |
| Bitternut Hickory | <i>Carya cordiformis</i> | |
| Black Oak | <i>Quercus velutina</i> | |
| Black Walnut | <i>Juglans nigra</i> | |
| Bur Oak | <i>Quercus macrocarpa</i> | |
| Chinese Pistache | <i>Pistacia chinensis</i> | |
| Chinkapin Oak | <i>Quercus muehlenbergii</i> | |
| Crape Myrtle | <i>Lagerstroemia indica</i> | |

| | | |
|-------------------|--|---|
| Frontier Elm | <i>Ulmus carpinifolia x parvifolia</i> | |
| Goldenrain Tree | <i>Koelreuteria paniculate</i> | |
| Japanese Zelcova | <i>Zelcova serrata</i> | |
| Jefferson Elm | <i>Ulmus americana 'Jefferson'</i> | |
| Lacebark Elm | <i>Ulmus parvifolia</i> | |
| Littleleaf Linden | <i>Tilia cordata</i> | |
| Northern Red Oak | <i>Quercus rubra</i> | |
| Osage Orange | <i>Maclura pomifera</i> | X |
| Pecan | <i>Carya illinoensis</i> | |
| Prospector Elm | <i>Ulmus wilsoniana</i> | |
| River Birch | <i>Betula nigra</i> | X |
| Shagback Hickory | <i>Carya ovata</i> | |
| Shingle Oak | <i>Quercus imbricaria</i> | |
| Shumard Oak | <i>Quercus shumardi</i> | |
| Silver Linden | <i>Tilia tomentosa</i> | |
| Southern Magnolia | <i>Magnolia grandiflora</i> | X |
| Southern Red Oak | <i>Quercus falcate</i> | |
| Sugarberry | <i>Celtus laevigata</i> | |
| Swamp White Oak | <i>Quercus bicolor</i> | |
| Sycamore | <i>Platnus occidentalis</i> | |
| Tuliptree | <i>Liriodendron tulipifera</i> | |
| Turkish Filbert | <i>Corylus colurna</i> | |
| Water Oak | <i>Quercus nigra</i> | |
| White Oak | <i>Quercus alba</i> | |
| Willow Oak | <i>Quercus phellos</i> | |

(b) *Small/understory trees.*

| Common Name | Scientific Name |
|--------------------|-------------------------------|
| American Smoketree | <i>Cotinus obovatus</i> |
| Cherry | <i>Prunus serrulata</i> |
| Crabapple | <i>Malus species</i> |
| Flowering Dogwood | <i>Cornus florida</i> |
| Fringe Tree | <i>Chionanthus virginicus</i> |

| | |
|-----------------------|--|
| 'Little Gem' Magnolia | <i>Magnolia grandiflora</i> 'Little Gem' |
| Natchez Crapemyrtle | <i>Lagerstroemia indica</i> 'Natchez' |
| Oklahoma Redbud | <i>Cercis reniformis</i> 'Oklahoma' |
| Oriental Arborvitae | <i>Platycladus orientalis</i> |
| Possumhaw | <i>Ilex deciduas</i> |
| Saucer Magnolia | <i>Magnolia x soulangiana</i> |
| Serviceberry | <i>Amelanchier arborea</i> |
| Star Magnolia | <i>Magnolia stellata</i> |
| Sweet Bay Magnolia | <i>Magnolia virginiana</i> |
| Yaupon Holly | <i>Ilex vomitoria</i> |

(c) *Shrubs.*

| Common Name | Scientific Name |
|-------------------------|---|
| Boxwood | <i>Buxus sinica</i> var. <i>insularis</i> 'Wintergreen' |
| Butterfly Bush | <i>Buddlei davidii</i> |
| Chokeberry | <i>Aronia species</i> |
| Compact Japanese Holly | <i>Ilex crenata</i> 'Compacta' |
| Cotoneaster | <i>Cotoneaster species</i> |
| Dwarf Yaupon Holly | <i>Ilex vomitoria</i> (dwarf cultivars) |
| Elderberry | <i>Sambucus nigra</i> |
| English Laurel | <i>Prunus laurocerasus</i> |
| Fothergilla | <i>Fothergilla gardenia</i> |
| Foster's Holly | <i>Ilex attenuata</i> 'Fosteri' |
| Fragrant Sumac | <i>Rhus aromatic</i> 'Gro- Low' |
| Glossy Abelia | <i>Abelia grandiflora</i> |
| Hydrangea | <i>Hydrangea species</i> |
| Inkberry Holly | <i>Ilex glabra</i> |
| Mugo Pine | <i>Pinus mugo</i> |
| Nellie R. Stevens Holly | <i>Ilex</i> 'Nellie R. Stevens' |
| Pieris | <i>Pieris species</i> |
| Pyracantha | <i>Pyracantha species</i> |
| Seagreen Juniper | <i>Juniperus X pfitzeriana</i> 'Sea Green' |
| Spiraea | <i>Spiraea species</i> |

| | |
|--------------|--------------------------|
| Summersweet | <i>Clethra alnifolia</i> |
| Twig Dogwood | <i>Cornus sericea</i> |
| Viburnum | <i>Viburnum species</i> |
| Weigela | <i>Weigela species</i> |
| Yew | <i>Taxus species</i> |
| Yucca | <i>Yucca species</i> |

DRAFT

Chapter 153.214 Residential Compatibility Standards

City of Tontitown

3-24-2021

§ 153.214 RESIDENTIAL COMPATIBILITY STANDARDS.

The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

(A) *Applicability (triggering property)*. Compatibility standards shall apply to all development in the **NC and C-1** zoning districts when such development is adjacent to a "triggering property," which shall include all of the following:

(1) Property occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

(2) Property zoned in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district.

(B) *Exemptions*.

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards*. The following setback standards shall apply to all development that is subject to compatibility standards:

(a) Within thirty (30) feet of the property line, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional ten (10) foot setback from the boundary line of an adjacent "triggering property" for each story above the second story.

(b) Small sites. On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(c) Large sites. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(d) Surface-level parking and driveways. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such

standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of fifteen (15) feet from the lot line of triggering property.

(5) *Screening standards.* All requirements found in Chapter 153.212: Landscaping, Screening, Fencing and Buffering shall apply. Additionally:

(a) Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(b) The required perimeter buffer shall increase from the five (5) feet required in 153.212 to ten (10) feet wide when adjacent to a triggering property.

(6) *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

(C) *Applicability (triggering property).* Compatibility standards shall apply to all development in the **R-MF-16, C-2, C-T, L-I, and I** (EU-L zoning has compatibility standards in Section 153.086) zoning districts when such development is adjacent to a "triggering property," which shall include all of the following:

(1) Property occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

(2) Property zoned in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district.

(D) *Exemptions.*

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an A, R-E, R-1, R-2, R-3L, R-3, or R-4 district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards.* The following setback standards shall apply to all development that is subject to compatibility standards:

- (a) Within fifty (50) feet of the property line, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional fifteen (15) foot setback from the boundary line of an adjacent “triggering property” for each story above the second story.
- (b) *Small sites.* On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.
- (c) *Large sites.* On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.
- (d) *Surface-level parking and driveways.* Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of twenty-five (25) feet from the lot line of triggering property.

(4) *Building height.* No structure shall exceed three (3) stories in height within 50 feet from the lot line of triggering property.

(5) *Screening standards.* All requirements found in Chapter 153.212: Landscaping, Screening, Fencing and Buffering shall apply. Additionally:

- (a) Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.
- (b) The required perimeter buffer shall increase from the five (5) feet required in 153.212 to twenty (20) feet wide when adjacent to a triggering property.

(6) *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.